PITTSFIELD
TOWN
CHARTER

NOVEMBER 2, 1982
(with Amendments dated: 11/03/87, 11/05/91 and
11/08/94)
# PITTSFIELD TOWN CODES
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TOWN OF PITTSFIELD CHARTER

ARTICLE I
POWERS OF THE TOWN

Section 1.01. Incorporation. The inhabitants of the Town of Pittsfield within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Pittsfield.

Section 1.02. Powers of the town. The town shall have all powers possible for a town to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

Section 1.03. Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

ARTICLE II
TOWN COUNCIL

Section 2.01. Combination at-large election and nomination by districts.

[a] Composition. There shall be a town council of 7 members. Three, to be known as councilors at-large, shall be nominated and elected by the qualified voters of the town at-large. The other 4 shall be known as district councilors. They shall be nominated by the qualified voters of their respective districts, as provided in Article VII, and one shall be elected from each district by the qualified voters of that district.

[b] Eligibility. Only qualified voters of the town shall be eligible to hold the office of councilor.

[c] Election and terms. Regular elections of councilors to fill the positions of those whose terms expire shall be held on the first Tuesday following a Monday in November of each year, and all councilors shall be elected for a term of 3 years. The terms of councilors shall begin the first Council meeting in January following their election and upon their induction.

[d] Induction. Prior to the beginning of their terms, all councilors shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Section 2.02. Compensation; expenses. The council may determine the annual salary of councilors by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of councilors elected at the next regular election, provided that such election follows the adoption of such ordinance by at least 6 months. Councilors shall receive their actual and necessary expenses incurred in the performance of their duties of office.

1 Amended by Referendum on 11/03/87
Section 2.03. Mayor. The council shall elect, from among its members, officers of the town who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council. The mayor shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.

Section 2.04. General powers and duties. All powers of the town shall be vested in the council except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Section 2.05. Prohibitions.

[a] Holding other office. Except where authorized by law, no councilor shall hold any other town office or employment during the term for which he/she was elected to the council, and no former councilor shall hold any compensated appointive town office or employment until one year after leaving office.

[b] Interference with administration. Except for the purpose of inquiries and investigations under section 2.09, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

[a] Vacancies. The office of a councilor shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of the office.

[b] Forfeiture of office. Councilors shall forfeit their offices if they (1) lack at any time during their term of office any qualifications for the office prescribed by this charter or by law, (2) violate any express prohibition of this charter, (3) sustain a final conviction of a Class A, B, C, D crime; or a Class E crime where there would be violation of point (4) of this section, or of Section 2.07, or (4) fail to attend 3 consecutive regular meetings of the council without being excused by the council.

[c] Filling of vacancies. If a seat in the town council becomes vacant more than 6 months prior to the next regular election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat in the council becomes vacant less than 6 months prior to the next regular election, the vacancy shall be filled for the remainder of the unexpired term at the regular election. In any case, the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

Section 2.07. Judge of qualifications. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence.
A member charged with conduct constituting grounds for forfeiture of the office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

Section 2.08. Town Clerk. The town clerk shall act as clerk of the town council, and shall keep a record of all proceedings of the council, including all roll-call votes.

Section 2.09. Investigations. The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punished by a fine of not more than $100, or by imprisonment for not more than 6 months, or by both.

Section 2.10. Independent annual audit. Prior to the end of the fiscal year, the town council shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council and to the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the town government.

Section 2.11. Procedure.

[a] Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of 4 or more members and, whenever practicable, upon no less than 12 hours’ notice to each member. All meetings shall be public, and in accordance with MRSA Title 1, Section 401 et seq. and other State statutes that would be applicable.

[b] Rules and journal. The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

[c] Voting. Voting shall be by voice vote, except if the vote is not unanimous, a roll call vote shall be taken and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum. A smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of 4 or more members of the council.

Section 2.12. Ordinances, orders and resolves. The council shall act only by ordinance, order or resolve. All ordinances, orders and resolves making appropriations of money, shall be

2 Amended by Referendum on 11/03/87

3 Amended by Referendum on 11/03/87
confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, these acts of the town council shall be by ordinance which:

[1] Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency.
[2] Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
[3] Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget.
[6] Convey or lease or authorize the conveyance or lease of any lands of the town.
[7] Adopt with or without amendment ordinances proposed under the initiative power.
[8] Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentence may be done either by order or by resolution.

Section 2.13. Ordinances in general.

[a] Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The Town of Pittsfield hereby ordains.” Any ordinance which repeals or amends an existing ordinance or part of the town code shall clearly define the ordinance, sections, or subsections to be repealed or amended, and shall set out in full the new matter.

[b] Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publications by at least 7

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4 Amended by Referendum on 11/03/87
5 Amended by Referendum on 11/03/87
days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the clerk shall have it published again together with a notice of its adoption.

[c] Effective date. Except as otherwise provided in this charter, every adopted ordinance shall be come effective at the expiration of 30 days after adoption or at any later date specified therein.

[d] “Publish” defined. As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

Section 2.14. Emergency ordinances. To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 5.09 (9b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 5 members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to subsection 5.09 (b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.15. Codes of technical regulations. The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinances generally except that:

[1] The requirements of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the adopting ordinance, and

[2] copies of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the town clerk pursuant to subsection 2.16 (a).

Copies of any adopted code of technical regulations shall be made available by the town
clerk for distribution or for purchase at a reasonable price.

Section 2.16. Authentication and recording; codification; printing.

[a] Authentication and recording. The town clerk shall authenticate by his/her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council.

[b] Codification. Within 3 years after adoption of this charter and at least every 10 years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Pittsfield Town Code. Copies of the code shall be furnished to town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

[c] Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publications of the first Pittsfield Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE III
TOWN MANAGER

Section 3.01. Appointment; qualifications; compensation. The council shall appoint a town manager for an indefinite term and fix the compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of appointment but must reside in the town while in office.

Section 3.02. Removal or suspension of Town Manager. The Town Manager may be removed or suspended for cause by majority vote of the town council in accordance with the procedures set out in 30 MRSA ss.2313 as it may be amended from time to time.

Section 3.03. Absence of Town Manager. By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified person to exercise the powers and perform the duties of manager during a temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another qualified person to serve until the manager shall return or the disability shall cease. In the event of
failure of the manager to make such designation and during a temporary absence or disability, the council may by resolution appoint any qualified person to perform the duties of the manager.

Section 3.04. Powers and duties of the Town Manager. The Town Manager shall be the chief administrative officer of the town and shall be responsible to the town council for the administration of all town affairs placed in his/her charge by or under this charter. The Town Manager shall have the following powers and duties:

1. To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.

2. To attend council meetings, except when his removal is being considered, and shall have the right to take part in discussion but may not vote.

3. To see that all laws, provisions of this charter and acts of the council, subject to his direction and supervision, are faithfully executed.

4. To prepare and submit the annual budget and capital program to the council.

5. To submit to the council and make available to the public, without fee, a complete report on the finances and administrative activities of the town as of the end of each fiscal year. This report shall be available to the public within six (6) months after the close of the fiscal year.  

6. To make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his/her direction and supervision.

7. To keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he/she deems desirable.

8. To prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

9. To assist, or designate an official to assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

10. To perform such other duties as are specified in this charter or may be required by the council.

11. To participate in the preparation and revision of the capital program provided for in Section 5.06.

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6 Amended by Referendum on 11/08/94
(12) To advise the town planning board in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance.

ARTICLE IV
ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

(a) Creation of departments. The council may by ordinance establish town departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Council appointments. The following officers and boards shall be appointed by ballot by a majority vote of the members of the town council: town manager, town attorney, board of assessment review, planning board, board of appeals and other boards when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, vest in the town manager all or part of the duties of any office.

(c) Manager appointments. The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove or suspend such appointees when necessary. He/she shall appoint and remove or suspend all other administrative officers and town employees, except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this charter or by ordinance.

Section 4.02. Personnel system.

(a) Merit principle. All appointments and promotions of town officers and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) Personnel director. The town manager or an appointee shall be the personnel director.

(c) Personnel appeals board. There shall be a personnel appeals board consisting of 3 members appointed by the town council from among the qualified voters of the town to serve three year terms, on appointed each year.

(d) Personnel rules. The town manager shall prepare and submit such rules to the council which the council shall adopt by ordinance with or without amendment. These rules shall provide for practices and procedures necessary to the administration of the town personnel system.

Section 4.03. Legal officer. There shall be a legal officer of the town, appointed by the council as provided in Section 4.01, who shall serve as chief legal advisor to the council, the manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.
Section 4.04. Oath of office. Every officer of the town shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

“I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Pittsfield, and will faithfully discharge the duties of the office of...”

ARTICLE V
FINANCIAL PROCEDURES

Section 5.01. Fiscal year. The fiscal year of the town shall begin on the first day of January and end on the last day of December.

Section 5.02. Submission of budget and budget message. On or before the fifteenth day of November of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

Section 5.03. Budget message. The manager’s message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town’s debt position and include such other material as the manager deems desirable.

Section 5.04. Budget. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year, and actual income and expenditures of the preceding fiscal year. Revenue shall not include those additions to assets which (a) increase any liability, (b) represent the recovery of an expenditure, (c) represent the cancellation of certain liabilities without a corresponding increase in other liabilities or a decrease in assets. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures:

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such
capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income.

**Section 5.05. Council action on budget.**

(a) **Notice and hearing.** The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:

1. The times and place where copies of the message and budget are available for inspection by the public, and

2. The time and place, not less than 2 weeks after such publication, for a public hearing on the budget.

(b) **Amendment before adoption.** After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenue.

(c) **Adoption.** The council shall adopt the budget on or before the last day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year.

From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the manager and filed by him with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

**Section 5.06. Capital program.**

(a) **Submission to council.** The manager shall prepare and submit to the Council a 5-year capital program on or before the fifteenth day of November each year.  

(b) **Contents.** The capital program shall include:

1. A clear general summary of its contents:

2. A list of all capital improvements which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for such

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7 Amended by Referendum on 11/03/87
improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.07. Council action on capital program.

(a) Notice and hearing. The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and a notice stating:

(1) The time and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than 2 weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The council by ordinance shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the last month of the fiscal year currently ending.

Section 5.08. Public records. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

Section 5.09. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provision of Section 2.04. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals for any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

8 Amended by Referendum on 11/03/87
(c) **Reduction of appropriations.** If at any time during the fiscal year it appears probable to the manager the revenues available will be insufficient to meet the amount appropriated he/she shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) **Transfer of appropriations.** At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) **Limitations; effective date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Section 5.10. Administration of budget.**

(a) **Work programs and allotments.** At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He/she may revise such allotments during the year if he/she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 5.09.

(b) **Payments and obligations prohibited.** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or manager’s designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

**Section 5.11. Lapse of appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until
the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.

Section 5.12. Interim expenditures. In the period between the end of the fiscal year and the adoption of the budget, the amounts appropriated for current operations of the prior fiscal year shall be deemed adopted for the new fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the budget for the new fiscal year is adopted.

ARTICLE VI
SPECIAL ADMINISTRATION

Section 6.01. Planning board. There shall be a town planning board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine, including (1) to advise the town manager on any matter affecting the physical development of the town, (2) to formulate and recommend to the town manager a comprehensive plan and modifications thereof, and (3) to review and make recommendations regarding proposed council action implementing the comprehensive plan pursuant to Section 6.03.

Section 6.02. Implementation of the comprehensive plan. The council shall by ordinance adopt land use and development regulations, including but not limited to zoning and subdivision regulations.

Section 6.03. Board of appeals.
(a) Composition and terms. There shall be a board of appeals composed of 7 members and one associate member. The term of office shall be 5 years; and the associate member for 3 years. When a member is unable to act because of interest, physical incapacity or absence for any other reason the associate member shall serve in his/her stead.

(b) Jurisdiction. The board of appeals shall act as the zoning board of appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards. In addition, the board of appeals shall have the jurisdiction to hear appeals that may arise under the Housing Code, Building Code or any other regulatory ordinance enacted pursuant to this charter or the laws of the State of Maine, which provide therein for such appeals.

(c) Appeals. An appeal may be taken from any decision of the board of appeals to the Superior Court.

Section 6.04. Tax administration.
(a) Division of assessment. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State of Maine.

(b) Board of assessment review, appointments, vacancies. There shall be a Board of Assessment Review appointed by the Town Council in accordance with MRSA, Chapter 30-A,
Sec. 2526, Subsection 6. The majority of the whole number of the board shall be a quorum and they shall elect their own chairperson. Vacancies in the membership of such a board shall be filled by appointment by the council for the unexpired term.

(c) Board of assessment review, powers, duties. The board of assessment review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VII
NOMINATIONS AND ELECTIONS

Section 7.01. Town elections.

(a) Regular elections. The regular town election shall be held on the first Tuesday following a Monday of November in each year.

(b) Qualified voters. All citizens qualified by the Constitution and laws of the State of Maine to vote in the town and who satisfy the requirements for registration prescribed by law shall be qualified voters of the town within the meaning of this charter.

(c) Election provisions. Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers, and all other particulars respective to preparation for conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Section 7.02. Nomination. Any qualified voter of the town may be nominated for an elective office in accordance with the laws of Maine, except that district councilors must be residents of their district.

Section 7.03. Ballots.

(1) The full names of all candidates nominated for membership at-large in the town council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol under a heading reading “Nominees for councilor at large.”

(2) The full names of all candidates nominated for membership as district councilor in the council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol under the separate heading reading “Nominees for district councilor.”

(3) If 2 or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

Section 7.04. Districts; adjustment of districts.

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9 Amended by Referendum on 11/05/91
(a) **Number of districts.** There shall be 4 town council districts.

(b) **Districting commission.** The council shall appoint 5 qualified voters, determined from the registration for the last statewide general election, who shall comprise the districting commission. The voters chosen shall not be employed by the town in any other capacity.

(c) **Report; specifications.** By the first day of May 1983 and of every 10th year thereafter, the districting commission shall file with the town clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications.

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets, highways, railroads or rivers.

(2) Each district shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last state-wide general election, but districts shall not differ in population, determined by the last decennial Federal Census, by more than 10% of the persons in the smallest district created.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

(d) **Procedure.** The procedure for the council’s consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinance is published it must include both the map and the description of the recommended districts.

(e) **Failure to enact ordinance.** The council shall adopt the ordinance at least 90 days before the next regular town election. If the council fails to do so by such date, all councilors to be elected at such election shall be elected at-large and shall serve as councilors at-large until their terms of office expire. After such an election at-large, the districting commission shall reconvene and adjust the district boundaries in accordance with the specifications, requirements and procedures earlier provided in this section, except that the ordinance shall be enacted at least 90 days before the next regular town election following such election at-large.

(f) **Effect of enactment.** The new council districts and boundaries, as of the date of enactment, shall supersede previous council and boundaries for all the purposes of the next regular town election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all councilors elected at that regular town election take office.

**ARTICLE VIII**

**INITIATIVE AND REFERENDUM**

Section 8.01. General authority.

(a) **Initiative.** The qualified voters of the town shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in
substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees.

(b) Referendum. The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Section 8.02. Commencement of proceedings; petitioners’ committee; affidavit.

Any 5 qualified voters may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners’ committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners’ committee.

Section 8.03. Petitions.

(a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least 25 per cent of the total number of qualified voters casting ballots in the last gubernatorial election.

(b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached to their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stationing that she/he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that she/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing referendum petitions. Referendum petitions must be filed with 30 days after adoption by the council of the ordinance sought to be reconsidered.

Section 8.04. Procedure after filing.

(a) Certificate of clerk; amendment. Within 20 days after the petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners’
committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners’ committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.03, and within 5 days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners’ committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners’ committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) **Council review.** If a petition has been certified insufficient and the petitioners’ committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within 2 days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council’s determination shall be a final determination as to the sufficiency of the petition.

(c) **Court review; new petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

**Section 8.05. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners’ committee withdraws the petition, or
3. The council repeals the ordinance, or
4. Thirty-days have elapsed after a vote of the town on the ordinance.

**Section 8.06. Action on petitions.**

(a) **Action by council.** When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the town.

(b) **Submission of voters.** The vote of the town on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote
thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) **Form of ballot.** The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve, shall be substantially as follows:

“shall the ordinance, order or resolve entitled , be repealed? (or adopted?)”

YES [ ] NO [ ]

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

(d) **Withdrawal of petitions.** An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least 4 members of the petitioners’ committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**Section 8.07. Results of election.**

(a) **Initiative.** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) **Referendum.** If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**ARTICLE IX**

**GENERAL PROVISIONS**

**Section 9.01. Personal financial interests.** Any town officer or employee who has substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the town or in the sale of any land, material, supplies, or services to the town or to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in the capacity as a town officer or employee in the making of such sale or in the making or performance of such contract. Any town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied and the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the town manager or the town council.
Section 9.02. Prohibitions.

(a) Activities prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.

(b) Penalties. Any person who alone or with others willfully violates any of the provisions of paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $100 or by imprisonment for not more than 30 days or both. Any person convicted under this section shall be ineligible for a period of 5 years thereafter to hold any town office or position and, if an officer or employee of the town, shall immediately forfeit his office or position.

Section 9.03. Limitations on administrative action. Limitations on administrative action shall be governed by State Statute.


Section 9.05. Separability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby.
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CHAPTER 1. GENERAL PROVISIONS

ARTICLE 1. CODE DESIGNATION

The ordinances embraced in the following Chapters shall constitute and be designated the “Revised Code of Ordinances, Town of Pittsfield, Maine,” and may be so cited.

ARTICLE 2. CODE RULES OF CONSTRUCTION AND DEFINITIONS

1. **Computation of Time:** Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be held, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.

2. **County:** The words “the County” or “this County” shall mean the County of Somerset in the State of Maine.

3. **Delegation of Authority:** Whenever a provision requires the head of a department or some other Town officer to do some act or perform some duty, it is to be construed that the head of the department or other officer may designate, delegate, or authorize subordinates to perform the required act or duty unless the terms of the Article, Division, or Section specify otherwise.

4. **General:** All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Town Council may be fully carried out. Where any specific provisions of the Code impose greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

5. **Month:** The word “month” shall mean a calendar month.

6. **Officials, Boards, Commissions:** Whenever reference is made to officials, boards, commissions, committees by title only, *i.e.*, “Town Council,” “the Mayor,” “Town Manager,” it shall be deemed to refer to the designated official, board, commission, or committee of the Town of Pittsfield.

7. **Owner:** The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant of the whole or of a part of such building or land.

8. **Property:** The word “property” shall include real and personal property.

9. **Personal Property:** The words “personal property” include every species of property except real property, as herein described.

10. **Real Property:** the words “real property” designate land, buildings, and other structures.

11. **Shall:** The word “shall” is mandatory.

12. **Signature or Subscription:** The words “signature” or “subscription” shall include a mark when the person cannot write.

13. **State:** The words “the State” or “this State” shall be construed to mean the State of Maine.
14. **Tenant or Occupant:** The words “tenant” or “occupant” applied to a building or land shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

15. **Tense:** Words used in the past or present tense shall include the future as well as the past and present.

16. **Town:** “Town” shall mean the Town of Pittsfield, Maine.

17. **Town Council, Council:** Whenever the words “Council” or “Town Council” are used, they shall be construed to mean the Town Council of the Town of Pittsfield, Maine.

18. **Town Limits:** The term “Town limits” shall mean the legal boundaries of the Town of Pittsfield, Maine.

19. **Written or In Writing:** “Written” or “in writing” shall be construed to include any representation of works, letters, or figures, whether by printing, writing, or otherwise.

20. **Year:** The word “year” shall mean a calendar year unless otherwise expressed.

21. **Other Definitions:** The definitions contained in Article 3, Section 103 are herein incorporated by reference and shall apply throughout the Code unless otherwise defined for a particular portion of the Code.

**ARTICLE 3. GENERAL EXPLANATIONS**

**Section 101. History of Town**

Settled in 1794. Formerly called Plymouth Gore, organized into Sebasticook Plantation in 1815. Incorporated under the name of Warsaw on June 19, 1819; name changed to Pittsfield on February 14, 1824. In 1828 a portion of Palmyra was annexed to the Town.

**Section 102. Town Charter**

The words “Town Charter” mean Chapter 64 of the Private and Special Laws of Maine 1965, entitled, “An act to grant a New Charter for the Town of Pittsfield,” and as may be further amended. In the case of any conflict in the Town Charter and the Town Code, the Charter shall have precedence.

**Section 103. Ordinances - Rules of Construction**

The following rules shall be observed in the construction of ordinances, unless such construction is inconsistent with the plain meaning of the ordinance:

**Section 103.1** Words of the singular number may include the plural; words of the plural number may include the singular. Words of the masculine gender may include the feminine. Words and phrases shall be construed according to the common meaning of the language.

**Section 103.2** The words “street” or “streets” shall be understood to include highways, ways, avenues, courts, lanes, alleys, crosswalks, and bridges.
Section 103.3 The word “inhabitant” means a person having an established residence in the Town.

Section 103.4 The word “oath” includes an affirmation. affirmation is allowed when a person required to be sworn is conscientiously scrupulous of taking an oath.

Section 103.5 The word “person” as used in any ordinance, or any amendment thereof, shall include: any individual, firm, co-partnership, corporation, company, association, club, joint venture, estate, trust, or any group or combination of groups acting as a unit and the individuals constituting such group or unit, unless the intention to give a more limited meaning is disclosed by the context.

Section 104. Separability

If any portion of any ordinance shall be held invalid, the intent of the Town Council is that such decision does not affect the validity of the remaining portions of the ordinance. (cf. Section 9.05 of the Charter)

Section 105. State Law

The laws of the State of Maine are hereby incorporated by reference. No enumeration of particular State laws in ordinances of the Town shall be held to be exclusive. In the event of conflict between the Ordinances of the Town of Pittsfield and the State laws, the State laws shall hold precedence.

Section 106. Headings

No provision of any ordinance shall be held invalid by reason of deficiency in any chapter, article, or section heading, it being hereby expressly provided that such headings are not a part of any ordinance.

Section 107. Penalties

Every person who shall be guilty of a violation of any provision of any ordinance to which a particular penalty is not annexed shall forfeit and pay a sum of not less than $100 nor more than $2,500, to be recovered to the use of the Town, on complaint or by other appropriate action before a District Court.

Section 108. Further Violation

The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and each ten days that such violation continues shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation of any ordinance shall not preclude the Town Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, removal, maintenance, or use; or to restrain, correct, or abate a violation; or to prevent the occupancy of a building, structure, or premises; or to prevent an illegal act, conduct, business, or use in or about any premises.
Section 109. Publicity of Records

All records and accounts of every office, department, and agency of the Town shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Town Manager, except records and documents that disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by State Law to be kept confidential.

Section 110. Repeal Effect

The repeal of any prior ordinance of the Town by any subsequent ordinance shall not operate to revive the provisions of the repealed ordinance unless such revival is expressly provided for. Repealed ordinances remain in force for the trial and punishment of all past violations of them and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply to any office, trust, proceeding, right, contract, or event already affected by them.

Section 111. Ordinances: Effective When

No ordinance, except emergency, shall take effect and be in full force until 30 days after enactment. (cf. Section 2.13 (c) of the Charter)
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CHAPTER 2. ADMINISTRATIVE CODE

DIVISION 1: TOWN COUNCIL

ARTICLE 1. GENERAL RULES GOVERNING COUNCIL ACTIONS

The Town Council shall be elected and shall perform the duties and shall have the general powers as stipulated in Article II of the Town Charter.

Section 101. Oath of Office

Every Town Officer shall be duly sworn to the faithful performance of the duties of his office, as provided by Section 4.04 of the Town Charter.

Section 102. Administration: No Council Interference

Except for the purposes of inquiry, the Council shall deal with the administrative service solely through the Town Manager, and neither the Council nor any individual member thereof shall give orders to any subordinate of the Town Manager, either publicly or privately, as provided in Section 2.05(b) of the Town Charter. All department heads employed on a full-time basis by the Town of Pittsfield shall not be employed by any other source during their term as full-time department heads without the approval of the Town Council.

Section 103. Compensation

The Town Council shall fix the salaries of officials elected or appointed by the Town Council, including the salary of the Town Manager. Salaries of appointees of the Town Manager shall be fixed by the Town Manager, with Council approval. Unless otherwise provided, all members of Boards and Commissions shall serve as members thereof without compensation. This provision is subject to Sections 2.02 and 3.01 of the Town Charter.

Section 104. Investigations

The Council, the Town Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the Town and to make investigations as to municipal affairs. For that purpose they may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey such subpoena to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment, all as provided by Section 2.09 of the Town Charter.

Section 105. Conflict of Interest

The question of whether a Town Council member or appointee has a conflict of interest in any matter or contract on which the Council, Board or Committee is voting shall be answered by referring to Title 30-A, Section 2605 of MRSA and the Town’s “Code of Ethics,” Chapter 2, Division 4, Sections 101 through 104.
Section 106. Regulations of Bids and Contracts

The Town Council shall regulate the making of bids and the letting of contracts, subject to the following conditions:

(a) The Town Manager (or other as may be appointed by the Council) shall have authority to obligate the Town in a single purchase amount not to exceed $7,500 of budgeted items without prior approval of the Town Council (subject to the limitations specified below). The Manager may delegate part or all of such authority to persons responsible to him in order to make most efficient use of funds, staff, and time available to him.

(b) The Town will require written specifications and competitive bids in writing on all purchases of goods, services, and supplies in excess of $3,500. This section shall include, but not be limited to, services for engineering, consulting, and other such services.

(c) Proposals for goods and services requiring expenditures in excess of $7,500 shall require approval by the Town Council before submitting a request for bids.

(d) Specifications shall not be so prepared as to exclude all but one type or kind, but shall include competitive supplies and equipment, and competitive bids shall be secured before purchase or lease by contract, or otherwise, is made. However, unique or noncompetitive articles, which are determined by the Town Manager, subject to the approval of the Town Council, to be sufficiently superior for the service intended by the Town, may be purchased without regard to other bids. The Town Council may authorize cooperative purchases without competitive bidding if it is determined that the purchase is being made after competitive bidding by the cooperative entity or at a price more advantageous than the Town would be likely to obtain by competitive bidding.

(e) Requests for bids requiring expenditures in excess of $3,500 shall be advertised by a notice to be published in a newspaper distributed within the Town if deemed necessary by the Town Manager. Those involving $3,500 or less may be solicited by notice on a public bulletin board for at least three (3) days and by mail to known prospective bidders. The Town’s quotation sheet shall be utilized for all purchases in excess of $3,500 and in those cases under $3,500 which are not re-occurring costs.

(f) All bids shall be sealed when received and shall be opened in public at the hour stated in the notice. All original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of the permanent file or record, and shall be open to public inspection.

(g) Contracts shall be awarded only after authorization by the Town Council.

(h) The Council may reject, or by resolution authorize administrative officers to reject, any and/or all bids.

(i) Contracts shall be let to the lowest and/or best bid.

(j) For the making of a bid or letting of a contract, the proposed vendor’s taxes, loans, and/or water/sewer utility bills for Pittsfield accounts must be (1) current; (2) in compliance with a written payment plan; or (3) arrangements made for a written payment plan which are acceptable to the Town when awarded the work.

(k) The Town Manager may waive the requirements for competitive bidding for purchases of $7,500 or less in
case of an emergency as determined by the Town Manager. Although Town Council approval will not be necessary for emergency purchase or services, the Town Manager shall submit a written list of those items which are deemed an emergency with an explanation of the emergency and the costs involved.

Section 107. Town Property

The Town Council hereby establishes the general policy that no Town property, supplies, or equipment of any kind shall be loaned or rented to any person; the Town Manager is authorized to make exceptions hereto when in his opinion the circumstances especially so warrant, in which cases he shall specify the terms thereof.

Section 108. Street Names

The Town Council alone shall have the power and authority to name all streets. The several streets of the Town shall continue to be called and known by the names previously given to them by official action of the various municipal officers of the Town, until the same shall be changed by Ordinance of the Town Council.

ARTICLE 2. COUNCIL MEETINGS - RULES OF PROCEDURE

Section 101. Regular Meetings

The regular meetings of the Town Council shall be held in the Municipal Building at 6:30 p.m., current time, on the first and third Tuesdays of each calendar month. When said day falls on a holiday or on Election Day, the regular meeting may be held on the following Tuesday. The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five (5) members of the Council. At least one meeting per month shall be held, in accordance with Section 2.11 of the Charter.

Section 102. Special Meetings

Special meetings may be called by the mayor or by four or more members of the Town Council. Notice of such meetings shall be served in person or left at the residence of each member of the Town Council, whenever practicable, at least twelve (12) hours before the time for holding said special meeting, unless all members of the Council sign a waiver of such notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such meeting.

Section 103. Quorum: Adjourned Meetings

A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn. At least 24 hours notice of the time and place of rescheduling such adjourned meeting shall be given to all absent members, unless such absent members sign a waiver of said notice.

Section 104. Enactment Form

The Town Council shall act only by ordinance, order, or resolve. All ordinances, orders, or resolves shall be confined to one subject, which shall be clearly expressed in the title.

Section 105. Ordinance: Style; Effective When
The enacting style of an ordinance shall be: “The Town of Pittsfield hereby ordains...” Nor ordinance, except emergency, shall take effect and be in full force until 30 days after enactment (Sec. 2.13 of Town Charter).

**Section 106. Order and Resolve: Style; Effective When**

In all votes of command, the form of expression shall be “ordered;” and of opinions, principles, facts, or purposes, the form shall be “resolved.” Orders and resolves shall take effect immediately upon passage.

**Section 107. First Reading: Waiver**

Every ordinance, order, or resolve shall have a first reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

**Section 108. Ayes and Nays Taken: When**

The ayes and nays shall be taken if there is a dissenting voice vote, and entered upon the record of the proceedings of the Town Council by the Clerk. The ayes and nays shall be taken on the passage of any ordinance, order, or resolve when called for by any member of the Town Council. Every ordinance, order, and resolve shall require, on final passage, the affirmative vote of four members of the Council.

**Section 109. Items for Meeting: Filed When**

No ordinance, order, or resolve shall be in order for action at any regular meeting of the Town Council unless such ordinance, order or resolve is filed in the office of the Town Clerk on or before the close of business four business days prior to said meeting. The Clerk shall prepare the Agenda for the meeting and provide for its distribution to the Council, along with background and supporting materials, at least three business days before the meeting is held. The Clerk shall also provide a copy of the agenda with background and supporting materials to the Pittsfield Librarian for posting.

**Section 110. Mayor as Presiding Officer**

The Mayor shall take the chair at the time appointed for the meeting and call the members to order. He shall preserve decorum and order and shall decide all questions of order; however, a question of order may be appealed to the Council by a motion which is seconded. No other business may be taken up until this question on appeal is decided. The Mayor shall declare all votes, but if any member doubts a vote, the Mayor shall cause a return of those voting in the affirmative and in the negative without debate.

**Section 111. Rules of Debate**

When a question is under debate, the Mayor may receive the following motions, here arranged in the order which they have precedence: a) to adjourn; b) for the previous question; c) to lay on the table; d) to postpone to a certain day; e) to refer to a committee or some administrative official; f) to amend; and g) to postpone indefinitely.

**Section 112. Motions Without Debate**

A motion to adjourn shall always be in order, except on immediate repetition, and is not subject to debate. A
motion to lay on the table, or to take from the table, shall be decided without debate.

Section 113. Reconsideration

After a motion relating to an ordinance, order, resolve, or other item of business has been voted upon, it shall be in order for any member who voted on the prevailing side or, in case of a tie vote, on either side, to move for reconsideration. This motion shall be valid only at the same meeting, or the next regularly scheduled meeting. Only one motion for reconsideration may be acted upon.

Section 114. Motion for the Previous Question

A motion "for the previous question" has the effect of stopping debate (discussion). It requires a second and a 2/3 vote to be adopted. It is not debatable and cannot be amended. Should a member move for the previous question, and it is seconded, the Mayor shall say, "Shall the main question be now put?" and a vote is taken.

Section 115. Manner of Speaking

A council member about to speak should respectfully address the Mayor, confine himself to the question under debate, and avoid personalities.

Section 116. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

Section 117. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, he may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote or speak, except by way of excuse, until he has done so.

Section 118. Member Excused from Voting

Every member present when a question is put shall give his vote unless the Council, for special reasons, shall excuse him. Application to be so excused must be made before the calling of ayes and nays, and must be decided without debate.

Section 119. Motion to be Reduced to writing: When

Every motion shall be reduced to writing if the Mayor shall so direct.

Section 120. Division of the Question

Any member of the Council may request division of a question when the sense will admit it.

Section 121. Motion for Referral
A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Section 122. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Section 123. Suspension of Rules: Amendment or Repeal

The rules shall not be dispensed with or suspended unless five of the members of the Council consent thereto.

Section 124. Procedure for Addressing Council

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

1. Persons wishing to address the Council on an item which appears on the agenda shall wait until the announcement of consideration of such item, at which time they may address the Council, but only prior to the Council taking action on the item.

2. Persons wishing to address the Council on an item not appearing on the agenda shall do so only after disposition of all items appearing on the agenda.

3. Any person wishing to address the Council shall signify his desire by raising his/her hand and, when recognized by the Chair, such person shall state his/her name and address and proceed. When the person has finished speaking council members may ask questions if they desire. However, once the Council has begun its deliberations on such item, no person shall be permitted to address the Council again and must wait to do so until all items on the agenda have been completed. Personal attacks, arguments, or debate will not be tolerated. Every person desiring to speak will be given an opportunity to do so.

4. Audiences at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meetings.

Section 125. Council Committees

At the commencement of the municipal year, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of such members of the Council as the Mayor may designate. The Mayor shall be an ex-officio member of each such committee:

1. Finance Committee
2. Ordinance Committee
3. Labor Negotiating Committee
4. Fair Hearing Authority

Section 125.1. Duties of Finance Committee
1. Make periodic examinations of the Treasurer's records.
2. Report any discrepancies or questionable transactions to the Council.
3. Review each Warrant for payment of invoices and payroll, and make recommendations to the Council regarding approval/disapproval of Warrant for signature by the majority of the Council.
4. Make recommendations regarding the Town's external auditor.
5. Meet with auditor to discuss audit.
6. Follow up auditor's recommendations as to improvement in the Town's fiscal practices.

Section 125.2 Duties of the Ordinance Committee

1. Review ordinances submitted by the Planning Board, Town Manager, or other Councilors and
   a) approve for action by the Council
   b) revise or amend
   c) return to originator for revision
   d) submit to Council for hearing and final action
   e) review Code for changes required by adoption or amendment of Code provisions.

2. Assist in making revisions, corrections, and/or updates to the existing Town Code.

3. Assist in for formulation of new ordinances.

Section 125.3 Duties of the Fair Hearing Authority

1. Review decisions of the general assistance administrator when requested by any claimant or the claimant's authorized representative.

2. The Fair Hearing Authority is charged with the responsibility of assuring that general assistance is administered in accordance with State Law and local Ordinances.

3. Persons serving as the Fair Hearing Authority must
   a) not have participated in the decision which is the subject of the appeal;
   b) be impartial;
   c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination.

For additional information, see Chapter 2B. General Assistance Ordinance.

Section 125.4 Duties of the Labor Negotiating Committee

The Labor Negotiating Committee, consisting of two members of the Council and the Town Manager, shall represent the Town in negotiating labor agreements.

ARTICLE 3. ELECTIONS

Section 101. General
The Town Clerk shall supervise all elections. The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to the preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in Articles II, VII, and VIII of the Town Charter.

**Section 102. Place and Time of Opening of Election**

It shall be the duty of the Town Council to fix the place and time of the opening of the polls in the election of officers or in any special election to decide matters submitted to a vote of the citizens, and to cause the same to be inserted in any warrant and notification to the inhabitants of the Town of such election.

**Section 103. Issuance of Election Warrants**

Warrants for calling elections shall be issued by the Town Council and contain a statement of the object of the election and the time and place at which the election shall be held, and be served by the Police Chief or any constable of the Town by posting an attested copy of said warrant in three public and conspicuous places seven days at least before the time of the election therein named.

**Section 104. Notice of Town Elections**

The Town Clerk shall follow the procedures of the then-current State Law in posting notifications of Town elections.

**Section 105. Form of Return of Warrant  N/A**

**Section 106. Districts**

For purposes of electing Council members, the Town of Pittsfield shall be divided into four districts as follows:

**DISTRICT 1:** Population count of 1004, being bounded as follows: On the north from the easterly side of Hartland Avenue by the town line; on the east by the town line; on the south by the MCRR to Main Street, and on the west by the centerline of Main Street, the Mill Pond, and the Sebasticook River to Waverley Avenue thence westerly to the centerline of Hartland Avenue and northerly to its juncture with the Pittsfield/Palmyra town line.

**DISTRICT 2:** Population count 1080, being bounded as follows: On the north by the MCRR to the Detroit town line, on the east by the Detroit town line to the Sebasticook River, then following the Sebasticook River to the Burnham town line, then southerly along the Sebasticook River to Alwar Road and continuing southerly on Alwar Road to Route 11/100, then northerly along the centerline of Route 11/100 and South Main Street to Cianchette Court and Raymond Avenue (residents on both Cianchette Court and Raymond Avenue being in District 3), continuing directly across to the MCRR and to the point of beginning.

**DISTRICT 3:** Population count 1101, and being bounded as follows: Along the westerly centerline
of Hartland Avenue from I-95 to Waverley Avenue thence easterly along the centerline of Waverley Avenue to the Sebasticook River, the Mill Pond, and the centerline of Main Street; along Main Street to the MCRR tracks; on the south along the MCRR to a point directly in line with Raymond Avenue; then southerly along Raymond Avenue and Cianchette Court (including all residents on both sides of Cianchette Court and Raymond Avenue) to South Main Street; westerly along South Main Street to Farnham Brook; northwesterly along Farnham Brook to I-95; then northeasterly along I-95 to the centerline of Hartland Avenue and point of beginning.

**DISTRICT 4:** Population count 1029, and being bounded as follows: This district shall include all other areas of the Town.

Section 106.1 Subsequent to election from any of the four districts, a Councilor who moves out of the District from which s/he was elected but remains a resident of the Town of Pittsfield shall be permitted to continue to serve that District as Councilor until December 31 of the calendar year in which the move occurred, unless at least 50 qualified voters of the affected District shall request in writing that a special election be held prior to the regularly scheduled November election to replace the Councilor who has moved from their district. Shall a Councilor move out of his/her District after the November elections have been held, but prior to December 31, that Councilor shall be permitted to continue to represent his/her District until June 30 of the following calendar year, absent a written request for a special election from at least 50 qualified voters of the affected District.

Section 107. Registrar of Voters

The Registrar of Voters shall be appointed annually by the Town Council. The Registrar may appoint one or more deputies and shall in all other respects comply with the State Law.

Section 108. Ballot and Election Clerks

The Town Council shall appoint election clerks no later than May 1 of each general election year, according to Title 21-A, MRSA, Chapter 7, Section 503.

Section 109. Compensation

The Council shall determine the hourly rate of compensation to ballot and election clerks for their services. The hourly rate shall be reviewed in the same general election year as ballot/election clerks are appointed.

DIVISION 2: ADMINISTRATION OF TOWN BUSINESS

ARTICLE 1. TOWN MANAGER

Section 101. Establishment

A Town Manager shall be appointed by the Council for an indefinite time in accordance with Article III of the Town Charter.

Section 102. Duties
The Town Manager shall perform such duties as specified in Article III of the Town Charter, including complete executive direction of the administrative service of the Town.

ARTICLE 2. DIVISION OF ADMINISTRATIVE SERVICE

Section 101. Establishment of Departments

The administrative service of the Town shall be divided, under the Town Manager, into the following departments:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>HEAD</th>
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<tbody>
<tr>
<td>Records Department</td>
<td>Town Clerk</td>
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<tr>
<td>Finance Department</td>
<td>Tax Collector/Treasurer</td>
</tr>
<tr>
<td>Code Enforcement Department</td>
<td>Code Enforcement Officer</td>
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<tr>
<td>Police Department</td>
<td>Police Chief</td>
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<td>Fire Department</td>
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<td>Health Department</td>
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<td>Public Works Department</td>
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<td>Cemeteries Department</td>
<td>Sexton/Cemetery Committee</td>
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<td>Parks &amp; Recreation Department</td>
<td>Committee/Summer Recreation Director</td>
</tr>
<tr>
<td>Library Department</td>
<td>Librarian</td>
</tr>
<tr>
<td>Theater Department</td>
<td>Theater Manager</td>
</tr>
<tr>
<td>Water &amp; Sewer Department</td>
<td>Water &amp; Sewer Superintendent</td>
</tr>
</tbody>
</table>

Section 102. Definition of "Department"

Whenever used in any ordinance, the word "Department" shall be construed to mean a department, agency, or office of the Town, unless the context plainly requires otherwise.

Section 103. Department Heads

The heads of departments shall:

1. Perform all duties required by their offices by Charter, by ordinance, or by other laws, and such duties as may be assigned by the Town Manager that do not conflict with any of the above.

2. Be immediately responsible to the Town Manager for effective administration of their departments.

3. Keep informed as to the latest practices in their particular fields, and shall inaugurate, with approval of the Town Manager, such new practices as appear to be of benefit to their various departments and to the public.

4. Submit reports to the Town Manager of the activities of their departments when requested by the Town Manager.

5. Establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by
6. Have power to delegate to members of the departments or divisions coming under their direction such duties and responsibilities as deemed advisable, together with proportionate authority for their fulfillment, but in no case may they delegate their overall responsibility or any of their accountability.

7. Have authority to appoint and remove, subject to the personnel regulations and the authority of the Town Manager, all subordinates under them.

8. Be responsible for the proper custody and maintenance of all Town property and equipment used in their departments.

ARTICLE 3. DESCRIPTION OF INDIVIDUAL DEPARTMENTS

Section 100. Records Department

Section 101. Establishment

There shall be a Department of Records, the head of which shall be the Town Clerk, who shall be appointed by the Town Manager, according to Section 4.01 of the Town Charter. The Town Clerk shall appoint a Deputy Town Clerk to act as his/her agent.

Section 102. Duties of Town Clerk

1. Serve as Clerk of Council and perform such other duties for the Council as it may require. S/he shall authenticate by her/his signature all proceedings of the Council, and shall be responsible for the filing, indexing, and safekeeping of same, which shall be open to public inspection.

2. Supervise and conduct all elections. Keep and maintain all election records and have custody of all property used in connection with elections.

3. Administer oaths of office and issue to every person appointed to any office by the Town Council or by the Town Manager a certificate of such appointment.

4. Publish all legal notices unless otherwise provided.

5. File and preserve all contracts, surety bonds, oaths of office, and other documents not required to be filed elsewhere.

6. Issue all licenses and permits and collect the fees required therefore as provided by State law or Town ordinance.

   a. Notify businesses when licenses are due.
   b. Notify Chief of Police within one week of expiration date of license if new application has not been received.

7. Obtain and maintain all statistics relating to births, marriages, and deaths as required by State law.
8. Be the custodian of the Clerk's seal and the official Town Seal.

9. Perform all duties and exercise all powers incumbent upon or vested in Town Clerks generally.

10. Maintain in his/her office a public information service to furnish information concerning Town government. All requests for information shall be complied promptly and courteously, provided the information is available in the office of the Town Clerk; otherwise the Town Clerk shall either, as the inquirer may prefer, refer him/her to the proper department; or, obtain the information from the proper department or agency and relay it to the inquirer. Nothing herein shall be construed to require the Town Clerk to supply, or to request any other department to supply, the kind of information that is required to be kept confidential, either by State law or public interest. Any information that would result in increased expense to the Town shall be supplied at the expense of the applicant, either by preset charge or per page copied charge.

11. Account for all public moneys received by him/her in such a manner as the Treasurer may prescribe.

12. Notify promptly all department heads of Council action of concern to them.

13. Any other duties and/or responsibilities listed in the job description for the Town Clerk on file in the Town Office, and which may not be included in this Section.

Section 200. Department of Finance

Section 201. Establishment

There shall be a Department of Finance, the head of which shall be the Tax Collector/Treasurer, who shall be, or be appointed by, the Town Manager. There shall be a Town Assessor appointed by the Town Manager as provided in Section 4.01 of the Charter. The Tax Collector/Treasurer may appoint an Assistant Tax Collector/Treasurer as needed in the performance of his/her duties.

Section 202. Duties of Tax Collector/Treasurer

The Tax Collector and Treasurer shall be responsible for financial planning, budgeting, reporting, and control. S/he shall be responsible for the collection of all real and personal property taxes of the Town. S/he shall also, under the administrative direction of the Town Manager, supervise the lease, rental, or use and the maintenance of all Town property used by other departments of the Town.

Section 203. Divisions Within Department

This department shall be divided into the following divisions:

Section 203.1. Division of Accounting and Control

The head of which shall be the Deputy Tax Collector/Treasurer, who shall be responsible for proper bookkeeping methods and the preaudit and recording of all financial transactions. The Deputy Tax
Collector/Treasurer shall perform the bookkeeping functions for the Town, including the preparation of the payroll. Duties of this office shall be governed by the job description for the Deputy Tax Collector/Treasurer on file in the Town Office.

**Section 203.2. Division of Assessment**

The head of which shall be the Town Assessor, who shall be responsible for the performance of all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices as required by Section 6.04(a) of the Charter.

**Section 204. Board of Assessment Review**

**Section 204.1. Establishment**

There shall be a Board of Assessment Review as provided in Section 6.04(b) of the Town Charter.

**Section 204.2. Duties**

Its duties shall be to review and make recommendations on all appeals by taxpayers of the assessments as established by the Assessor, and as provided under Section 6.04(c) of the Town Charter.

**Section 205. Insurance**

The Tax Collector/Treasurer shall audit and file in the office safe all policies of insurance placed on Town property.

**Section 300. Code Enforcement Department**

**Section 301. Establishment**

There shall be a Department of Code Enforcement, the head of which shall be the Code Enforcement Officer, who shall be appointed by the Town Manager. He shall be assisted by the Plumbing Inspector and the Electrical Inspector. The Code Enforcement Officer shall coordinate his work with the Fire Chief to assure that all safety regulations are being complied with.

**Section 302. Duties of Code Enforcement Officer**

1. The Code Enforcement Officer shall make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within the Town in order that s/he may perform his/her duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

2. The Code Enforcement Officer shall be responsible for handling housing or zoning ordinance violations by notifying the violator that he must correct the problem as outlined in Chapter 13. Zoning Ordinance.

3. The Code Enforcement Officer shall inspect promptly all premises for which a license applied for
requires certification by him, and either deliver to the Town Clerk promptly a certificate to the effect
that all codes are complied with or promptly advise the Town Clerk of his refusal to so certify.

4. The Code Enforcement Officer shall be responsible for issuing all building permits as required under

Section 400. Department of Public Safety

Section 400A. Police Department

Section 401A. Establishment

There shall be a Police Department, the head of which shall be the Police Chief, who shall be appointed and
directed by the Town Manager.

Section 402A. Delegation

Regular and special policemen, including special fire police, shall be appointed by the Town Manager, except
as he may delegate the appointive power to the Police Chief or Fire Chief. Special policemen shall have all the
powers vested in the regular Town policemen; said special policemen shall, however, serve only when and as
specifically required by the Police Chief and shall function only under the direction of the Police Chief; they
shall assist the Police Chief whenever called upon and whenever so called shall be compensated for services
rendered, as the Town Manager may determine. No special policemen shall be on duty at any time or place
without being ordered to do so by the Police Chief, and no special policeman shall be paid for police services
directly by any person other than the appropriate Town official.

Section 403A. Duties of the Police Chief

The Police Chief shall be the commanding officer of the police force. He shall:

1. Be responsible for the proper enforcement of law and order.
2. Direct the police work of the Town 24 hours a day.
3. Arrange for the attendance of one or more police officers at fires to preserve order, control flow of
   traffic, and prevent theft and destruction of property.
4. Cause the streets, ways, and lands of the Town to be inspected regularly and cause to be removed all
   nuisances, obstructions, or impediments therein, causing offenders to be prosecuted when necessary to
   abate such nuisances.
5. Cause to be observed, and reported immediately to the Director of Public Works, all defects and want
   of repair in streets and sidewalks.
6. Be responsible for the maintenance and care of all property used by the Police Department.
7. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for
which the Town may be liable; instruct all police officers to report to him such accidents; and notify
the Town Manager promptly of all such accidents.

8. Investigate all applicants for any license or permit when such application requires certification by the
Police Chief, and deliver promptly to the Town Clerk a certificate approving such license or permit, or
promptly advise the Town Clerk of his refusal to so certify.

9. Be responsible for the efficient operation of the Police Department; including preparation and
submittal of the yearly budget to the Town Manager; preparation of monthly reports to the Town
Manager and the Council; and preparation of a yearly report for the Town Report.

10. Any other duties/responsibilities included in the job description for Police Chief, on file in the Town
Office, which may not be included in this Section.

11. The Chief of Police is authorized to represent the Town in District Court in the prosecution of alleged
violations of Town Ordinances. The Police Chief may designate any officer under his command, who
is certified in accordance with 25 MRSA, §2803(3)A or successor statute, to perform this prosecutorial
function.

Section 404A. Police Officers

Police officers shall be required to follow directives handed down by the Chief of Police; to keep a log of duty
hours; to serve the citizens of Pittsfield with police protection as their prime duty. Police Officers shall
perform such duties as established in the job descriptions for Police Sergeant and Police Officer on file in the
Town Office.

Section 405A. Assistance to Other Police Departments

If assistance is requested by other departments, the policeman on duty shall ascertain that the condition cannot
be covered by other law enforcement officers before going to the assistance of the other department. The
officer must return to Town business as soon as the condition is covered by State Police or the Sheriff’s
Department.

Section 406A. Escort Service

There shall be no out of Town escort service.

Section 407A. Calls Out of Regular Patrol Area

When an officer is called out of his regular patrol area for an accident, the officer shall notify the Pittsfield
dispatcher, who will in turn notify the Police Chief immediately of the situation. As soon as an officer arrives
from that jurisdiction, the officer shall return to Pittsfield.

Within 24 hours, the officer shall prepare a complete written report of the incident covering all happenings
from the time the call was received until the cruiser returned to Pittsfield.
Section 409A. Animal Control Officer

An Animal Control Officer shall be contracted by the Town to be responsible for enforcing all State and local laws regarding dogs, ferrets, cats, and other small animals. The Animal Control Officer shall work in conjunction and cooperation with the Town Clerk, with duties as described in the job description on file in the Town Office, under the direction of the Police Chief.

Section 400B. Fire Department

Section 401B. Establishment

There shall be a volunteer Fire Department, the head of which shall be the Fire Chief, who shall be appointed and directed by the Town Manager.

Section 402B. Duties of the Fire Chief

The Fire Chief is charged with the prevention and extinguishment of fires, the protection of life and property against fire, and the removal of fire hazards. He shall be responsible for the care and maintenance of all property used by the Fire Department. He shall inspect promptly all premises for which a license or permit is applied for which required certification by the Fire Chief, and deliver promptly to the Town Clerk either a certificate approving the license or permit applied for, or a denial of certification and his reasons for doing so.

The Fire Chief shall serve as Emergency Management Director.

Section 403B. Volunteer Firemen

The procedure for selection of volunteer firemen shall be established by the Fire Department.

Section 500. Health Department

Section 501. Establishment (MRSA Title 22, Ch. 151, Sec. 451-462)

There shall be a Department of Public Health, the head of which shall be the Health Officer, who shall be appointed for a three-year term by the Municipal officers of the Town. There shall also be one or more Plumbing Inspectors appointed by the Municipal Officers, to be under the direction of the Health Officer.

Section 502. Duties of Health Officer

The Health Officer shall have charge and control of all functions involved in protecting and preserving the public health, s/he shall have all power provided by State law or Town ordinance relative thereto. Among other powers, he shall exercise the functions of:

Section 502.1. Communicable Disease Control

Which shall include the power of quarantine and detention, and the adoption of such other measures as
will prevent the spreading or aid in the prevention of communicable diseases. “Other measures” may require the cleaning and disinfecting of any house, building, car, vessel, or vehicle, or any part thereof, and of any article therein, that is likely to contain infection. If after written notice to do so, the owner fails to comply within the number of days designated, he shall be fined $10/day for every day he continues to default. The Health Officer shall cause such house, building, car, vessel or vehicle, or any part thereof, and articles to be cleaned and disinfected at the expense of the Town, and the Town may recover the expenses so incurred from the owner, agent, or occupant in default, by civil action.

The Health Officer may arrange for free vaccinations annually during the month of March for smallpox, and free inoculation against diphtheria, whooping cough, tetanus, and poliomyelitis of all children under 16 years of age (MRSA Title 22, Sec. 459).

Section 502.2. Sanitation

Which shall include inspection of the preparation, manufacture, storage, and sale of all articles and commodities intended for human consumption, and the regulation of all matters pertaining to the sanitary condition affecting the public health.

Section 502.3. Complaints

The Health Officer shall receive and examine into the nature of complaints made by any inhabitants of the Town concerning nuisances dangerous to life and health and shall personally or by appointed agents enter upon or within any place or premises where these conditions are believed to exist and examine same. If the conditions are found to exist, s/he shall order the suppression and removal of such nuisances and conditions detrimental to life and health. All owners, agents and occupants shall permit such sanitary examinations.

Section 502.4. License Inspections

S/he shall inspect promptly all premises for which a license applied for requires certification by the Health Officer, and either deliver to the Town Clerk promptly a certificate to the effect that health laws are complied with and the proper sanitary conditions exist, or promptly advise the Town Clerk of his refusal to so certify.

Section 502.5. Penalty

Any person who refuses or neglects to comply with any of the lawful orders of the Health Officers or his appointees shall be punished by a fine of ten dollars ($10) for every day during which he continues to make default. The Health Officer may cause unsanitary premises to be properly cleansed at the expense of the owner or may close the premises until such time they are put in the proper sanitary condition.

Section 502.6. Reports

The Health Officer, at least once each year, shall report to the State Bureau of health his proceedings and such other facts required, on blanks and in accordance with instructions received from such Department. He shall make special reports whenever required to do so by the Department.
Section 503. Board of Health

A Board of Health shall be appointed, consisting of three (3) members besides the Health Officer, one of whom shall be a physician and one a woman. Initial appointments shall be one for one year; one for two years; and one for three years. Subsequent appointments shall be for three (3) years.

The Board of Health shall constitute an advisory body to the Health Officer. The Health Officer shall be secretary ex officio of such board and shall keep a record of all proceedings.

Section 600. Public Works Department

Section 601. Establishment

There shall be a Department of Public Works, the head of which shall be the Public Works Director, who shall be appointed by the Town Manager with ratification by the Town Council, and who shall be under the supervision of the Town Manager. The number of employees shall be determined by, and each such employee shall be appointed by the Town Manager, except as s/he may delegate such power to the Public Works Director.

Section 602. Duties of the Public Works Director

The Public Works Director shall:

1. Be responsible for all matters pertaining to construction, management, maintenance, and operation of the physical properties of the Town under the administrative direction of the Town Manager, except as otherwise provided by the Town Charter or by any ordinance.

2. Be responsible for all planning, in connection with changes or improvements in streets, roads, sewer or water lines, or other physical properties of the Town.

3. Be responsible for the care and maintenance of all property used by the Public Works Department.

4. Be responsible for the care and maintenance of the Town of Pittsfield Transfer Station, including the Recycling Center.

5. Prepare or cause to be prepared all contracts and specifications that may be required for public works; all such contracts and specifications shall be subject to final approval by the Town Manager and Council.


7. See that Town equipment is not used for private work.

8. Inventory and regulate Public Works Department supplies.
9. Be responsible for the care and control of all public shade trees upon and along all highways and streets, and the enforcement of all laws relative to the preservation of same. Be responsible for the initiation of an adequate tree-planting program for the Town.

10. Any other responsibilities listed in the job description for the Public Works Director which may not be included in this Section.

Section 603. Public Works Employees

All Public Works employees shall be under the supervision of the Public Works Director and shall perform such duties as outlined in the job descriptions for each.

Section 603.1. Highway Foreman

The Highway Foreman shall, under the supervision of the Public Works Director, direct the highway crew in the daily operations of maintaining the streets and roads of the Town.

Section 603.2. Highway Laborers/Equipment Operators

Work in accordance with job descriptions as directed by the Highway Foreman and/or the Public Works Director.

Section 603.3. Transfer Station Attendant

Is responsible for the day to day operation of the Pittsfield Transfer Station as outlined in the job description on file in the Town Office, under the direction of the Highway Foreman and/or the Public Works Director and Town Manager.

Section 603.4. Recycling Coordinator

The Pittsfield Recycling Center at the Transfer Station shall be operated under the direction of the Recycling Coordinator, who shall perform such duties as outlined in the job description on file in the Town Office, under the direction of the Public Works Director and/or Town Manager.

Section 603.5. Recycling Center Attendant

Is responsible for the baling of cardboard and newsprint; loading bales onto trucks; receiving and separating clean glass; and general maintenance of the recycling center. He/she shall assist with other Transfer Station work as requested and perform other duties as described in the job description on file at the Town office, under the direction of the Recycling Coordinator and/or Transfer Station Attendant.

Section 700. Cemeteries

There shall be a Cemetery Department, under the control of the Cemetery Board and a Superintendent of Cemeteries, annually selected by the Board, with jurisdiction and duties as outlined in Chapter 4 of the Pittsfield Town Code.
Section 800. Parks and Recreation Department

Section 801. Establishment

There shall be a Parks and Recreation Department of the Town which shall have the general responsibility of supervision and maintenance of all parks and recreation areas and to establish and supervise recreational activities for the citizens. The Town may charge user fees and rental fees in conjunction with all of its programs and operations. The types and amounts of fees charged shall be adopted by order of the Town Council.

Section 802. Parks and Recreation Committee

There shall be a Parks and Recreation Committee, which shall have the responsibility for supervision, administration, maintenance, and improvement of Mary Ann Lancey Manson Park and Hathorn Park, and shall act in an advisory capacity to the Recreation Director. The Committee shall be appointed by the Town Council. Initial appointments shall be as follows: one member for five years; one member for four years; one member for three years; one member for two years; and one member for one year. All reappointments shall be for a period of five years (unless an appointment is made to complete a term of a member who has resigned; in which case it shall be for the remainder of the term).

Section 803. Recreation Director

A Recreation Director shall be appointed by the Town Manager. Such Director shall have general responsibility for the direction of all recreation programs of the Town, as described in the job description for this position on file in the Town Office.

Section 804. Mary Ann Lancey Manson Park (Manson Park)

This park was deeded to the Town by John W. Manson in 1926 in memory of his mother, together with additional land and a trust fund bequeathed in his Last Will and Testament, probated in 1941, income from which shall be used to maintain and beautify the park. Additional land was bequeathed to the Town, to be used as an addition to the park, by the will of Lancey G. Milliken (1969), the deed of conveyance on which was received from Ann M. Hamlin and Marilyn P. Duane in August of 1983. (See Chapter 6. OFFENSES - MISCELLANEOUS for Rules Governing Manson Park)

Section 806. Hathorn Park and Legge’s Diamond Little League Ball Field

Section 806.1 Purpose and Establishment

The purpose of this section is to establish rules for the use and maintenance of park facilities.

Section 806.2. Applicability

This ordinance shall govern and establish rules for the use and maintenance of Hathorn Park including a maximum age of youth engaged in baseball or softball activity solely within the Legge’s Diamond
Section 806.3. Use of Hathorn Park and Legge’s Diamond

806.3.1. It shall be unlawful for any person over the age of 12, except those serving as coaches or umpires in organized Little League baseball activities, to engage in any type of baseball or softball activity on, or within, the Legge’s Diamond Little League ball field, sited within Hathorn Park. Such prohibited activity shall include, but not be limited to, participation in an organized or informal baseball or softball practice or game; batting practice; fielding practice; or family-related baseball or softball activity. Legge’s Diamond shall be used in the manner in which it was designed. In the playing of baseball or softball, all pitching shall be done from the pitching mound to home plate; base running shall be counterclockwise from home to first, second, third, and back to home. Hitting shall occur only from home plate, and the batter’s cage on the south end of the field only during supervised practices.

806.3.2. It shall be unlawful for any person to mark, deface, disfigure, tamper with, damage, or remove any buildings, benches, fencing, bleachers, nets, signs, gates, bases, grounds (paved, grassed, unpaved), other structures or equipment, or other property or appurtenances whatsoever, either real or personal which are related to the recreational facilities in Hathorn Park including the Legge’s Diamond Little League ball field.

Section 806.4. Closing Hours

No person shall be in any publicly unlit portion of Hathorn Park or on the Legge’s Diamond Little league ball field from dark or 9:00 PM, whichever is earlier, to 7:00 AM prevailing time without written permission from the Pittsfield Town Office for an approved organized event.

Section 806.5 Penalty

Any person or persons violating the above rules shall be subject to a fine of not less than fifty dollars ($50) and not more than ($100).

Section 807. Remembrance Park

As recommended by the Recycling Committee and adopted by the Town Council on October 7, 2003, the park at the corner of Sebasticook Street and North Main Street (Map 28, Lot 129) has been named Remembrance Park. Note: It is so designated with the intent that it become a special place where warm remembrances for lost loved ones may be honored by donated memorial plantings. The first memorial planting was held in the park on Arbor Day, May 24, 2003 and the following poem was read: “We feel the rain upon our face and we shall remember them. We hear the loon with its plaintive call and we shall remember them. We see the lush green of spring and we shall remember them. We feel the specialness of this place and we shall remember them.”

Section 808. Barbara Fendler Memorial Park (Fendler Park)

As adopted by the Town Council on May 2, 2007, the two (2.0) acre linear park along Sebasticook Street abutting Mill Pond shall be named the Barbara Fendler Memorial Park (Fendler Park). Fendler Park with its
gracious fountain is hereby dedicated in the memory of Ryan Fendler’s wife Barbara. Ryan D. Fendler and Thomas P. Fendler donated the property to the Town in 2004. With the help and support of many volunteers, local businesses, departments and grant funding from the Maine Department of Conservation, the park was constructed and fully furnished during the years 2005 and 2006. The beautiful flower display planted in 2006 by family and friends is dedicated in the memory of Carla Bertrand.

Section 900. Pittsfield Public Library

Section 901. Establishment

The Pittsfield Public Library shall be maintained and operated as a Town Department.

Section 902. Librarian

There shall be a Librarian, who shall be appointed by the Town Manager, subject to confirmation by the Town Council. Duties of the Librarian include:

1. Maintain and care for all property and equipment used in the library; keep an inventory of all such property and equipment.
2. Direct the library work force to insure efficient and effective departmental operation.
3. Prepare and submit, with the assistance of the Library Trustees, an annual department budget to the Town Manager.
4. Submit monthly reports concerning library operations to the Town Manager.
5. Submit all department bills and payrolls to the Town bookkeeper to insure their payment on a timely basis.
6. Exercise all power and duties conferred or imposed by State law, local ordinances, or Trustees' vote.
7. Interview and hire part-time and full-time library employees as may be authorized by the Town Manager.
8. Select library materials based on an evaluation of local needs and reviews; acquire such materials quickly and at advantageous discounts by selecting appropriate vendors, maintaining an efficient system for order preparation and placement, and overseeing processing of materials as they arrive.
9. Assist the general public, municipal employees, Library Trustees, and Councilors in such a way as to maintain and promote standard and efficient business practices.
10. Other duties as listed in the job description for Librarian on file in the Town Office.

Section 903. Library Trustees
There shall be a Board of Library Trustees which shall consist of five (5) members appointed by the Town Council which shall act in an advisory capacity to the Librarian. Members shall be residents of Pittsfield. Initial appointments shall be made as follows: One member for one year; one member for two years; one member for three years; one member for four years; and one member for five years. Reappointments shall be for a period of five (5) years. No person shall hold the office of Trustee for more than two (2) consecutive full terms. Any person having served two consecutive full terms may be reappointed to the Trustees after a period of at least one year from the expiration date of his/her last term. In the event of a resignation, the Council shall appoint a new member to fill the unexpired term.

Section 903.1. Organization

The Trustees, from among their members, shall annually elect a Chairman, Secretary, and Treasurer. No individual may hold the same position for more than two (2) consecutive years.

Section 903.2. Meetings

The Trustees shall establish a schedule for meetings which shall be held in accordance with applicable State statutes. A copy of all of its proceedings shall be filed, following each meeting, with the Town Clerk. Except when otherwise provided, all meetings shall be conducted in accordance with Roberts Rules of Order. Special meetings may be called by the Chairman at the request of any two (2) trustees.

Section 903.3. Associate Members

The Trustees may, at their discretion, provide for Associate Members who will be accepted on the basis of interest in the library without regard for place of residence. Associate Members would be allowed to participate in all discussions of the Library Trustees, but would have no voting power.

Section 903.4. Responsibility

It shall be the responsibility of the Trustees to discuss and make recommendations to the Librarian and Town Manager for establishing, changing, or otherwise determining policy for the use and development of the library.

The Trustees shall approve and make revisions in the annual budget of the library as prepared and submitted to the Board by the Librarian, and upon Board approval, the budget shall be submitted to the Town Manager.

The privilege of borrowing library materials may be revoked for cause upon review by the Trustees.

Section 1000. Community Theater

Section 1001. Establishment

The Pittsfield Community Theater shall be maintained and operated as a Town agency or department.

Section 1002. Theater Manager
There shall be a Theater Manager who shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Theater Manager shall:

1. Be responsible for the operation and maintenance of the theater in accordance with all State and local regulations and requirements.

2. Be responsible for developing, within guidelines which shall be established and modified from time to time as necessary by the Theater Committee, a program or programs of interest to, and of benefit to, the residents of Pittsfield.

3. Prepare and submit an annual report of theater activities and programs to the Town Manager, along with such other reports as may be required from time to time by the Town Manager or the Theater Committee.

4. Prepare and submit to the Town Manager, after review by the Theater Committee, an annual budget, alone, with a statement of anticipated income and such other information as may be required.

5. Maintain an inventory of all equipment and furnishings under his/her control and furnish a copy of same to the Town Manager. Revised inventory lists shall be submitted annually, or as otherwise required by the Town Manager.

6. Other duties as outlined in the job description for Theater Manager on file in the Town Office.

Section 1003. Community Theater Committee

There shall be a Theater Committee, appointed by the Town Council, which shall consist of seven persons and which shall act in an advisory capacity to the Theater Manager. Appointees shall be residents of Pittsfield and shall serve for three (3) years. Initially, appointments shall be made as follows: two members for one year; two members for two years; and three members for three years. No member of the Committee shall serve more than two consecutive full terms. Any person having served two consecutive full terms may be reappointed to the Committee after an absence, as a member of the Committee, of at least one year.

Section 1003.1 Diversification in Appointments

In making appointments to the Theater Committee, the Town Council shall give due consideration to representation by various segments of the community such as the arts and humanities, the business community, professionals, civic and church groups, retired or elderly persons, youth groups, and others interested in the development of the theater.

Section 1003.2. Organization

The Committee, from among its members, shall annually elect a Chairman, Vice-Chairman, and Secretary.
Section 1003.3. Meetings

The Committee shall establish a schedule for meetings which shall be held in accordance with applicable State Statutes. A copy of all its proceedings shall be filed, following each meeting, with the Town Clerk. Except when otherwise provided, all meetings shall be conducted in accordance with Roberts Rules of Order.

Section 1003.4. Associate Members

The Committee may, at its discretion, provide for Associate Members who will be accepted on the basis of interest in the theater without regard for place of residence. Associate Members would be allowed to participate in all discussions of the Committee, but would have no voting power.

Section 1003.5. Responsibility

It shall be the responsibility of the Committee to establish and determine policy for the development of the theater. The Committee shall review and act on proposals from the Theater Manager for development of the theater and shall assist and direct the Theater Manager in developing programs in accordance with established guidelines.

Section 1003.6. Fees

The Committee shall be responsible for establishing such fees and charges for the use of the theater as it shall deem necessary and reasonable for the proposed use.

Section 1100. Water Department

Section 1101. Establishment

There shall be a Water Department, the head of which shall be the Superintendent, who shall be directed by the Public Works Director and/or Town Manager. Appointment shall be by the Town Manager. The number of employees shall be determined by, and each employee shall be appointed by, the Town Manager, except as he may delegate such power to the Public Works Director and/or the Superintendent of the Water Department.

Section 1102. Purpose

The purpose of the Water Department is the distribution and maintenance of the public water supply for domestic, sanitary, commercial, industrial, municipal and other purposes as are determined necessary or desirable.

Section 1103. Duties of the Superintendent

The Superintendent of the Water Department shall:

1. Be responsible for all matters pertaining to construction, management, maintenance, and operation of the water distributing system of the Town under the administrative direction of the Public Works Director and/or the Town Manager.
2. Insure the implementation of and/or compliance with federal and state regulations governing drinking water treatment programs.

3. Perform routine laboratory tests and make analyses of test results.

4. Be responsible for the care and maintenance of all property used by the Water Department.

5. Other duties as described in the job description of the Water/Sewer Department Superintendent on file in the Town Office.

Section 1104. Rules and Regulations

The Water Department shall operate in accordance with such rules and regulations as are from time to time promulgated by the Maine Public Utilities Commission and shall be subject to applicable municipal ordinances and requirements as are not inconsistent with such rules and regulations.

Section 1200. Sewer Department

Section 1201. Establishment

There shall be a Sewer Department, the head of which shall be the Water and Sewer Department Superintendent, who shall be directed by the Public Works Director and/or Town Manager. The employees hired for the Water Department shall also work for the Sewer Department under the direction of the Superintendent.

Section 1202. Purpose

The purpose of the Sewer Department is the installation and maintenance of public sanitary and storm sewers on the streets of the Town, and the establishment and maintenance of a wastewater treatment plant.

Section 1203. Duties of the Superintendent

The Superintendent of the Sewer Department shall:

1. Plan, organize, and supervise the operations and maintenance of the Wastewater Treatment Plant and laboratory.

2. Insure the implementation of and/or compliance with federal and state regulations governing all wastewater treatment programs.

3. Perform routine laboratory tests including sampling of plant influent, partially treated wastewater, sludge influent, and by-products to monitor process control and equipment operation.

4. Maintain daily logs of treatment plant activities.
5. Perform other duties as outlined in the job description for the Water/Sewer Department Superintendent on file in the Town Office.

Section 1204. Rules and Regulations

The Sewer Department shall operate in accordance with such rules and regulations as are from time to time promulgated by the Maine Public Utilities Commission and shall be subject to applicable municipal ordinances and requirements as are not inconsistent with such rules and regulations.

Section 1300. Pittsfield Municipal Airport

The Pittsfield Municipal Airport shall have Curtis Field added to its name.

DIVISION 3. VOLUNTARY TOWN SERVICE

ARTICLE 1. TOWN BOARDS AND COMMITTEES

Voluntary service to the Town may be performed by civic-minded citizens by serving on the various boards and committees of the Town. Such board and committee members are appointed by the Town Council, with vacancies being filled in January of each year.

Section 101. Removal from Office

A member of the Board or Committee appointed by the Town Council for a definite term may be removed by the Town Council only for malfeasance, misfeasance, or nonfeasance.

Section 102. Vacancies on Appointive Boards

A vacancy may be created on any appointive board by death, resignation, mental incapacity, total physical incapacity, or by three (3) consecutive unexcused absences from regularly scheduled board meetings. Any vacancy so created during the unexpired term of any member shall be filled by the Town Council for the remainder of the term.

ARTICLE 2. ALPHABETICAL DESCRIPTION OF BOARDS AND COMMITTEES

Section 100. AIRPORT COMMITTEE (Pittsfield Municipal Airport)

The Town Council shall appoint seven qualified voters of the Town, at least one of whom shall be a non-user of the Airport, and one of whom shall be a Council member, to serve on an Airport Committee. Initial appointments shall be: two (2) members for three years; two (2) members for two years; and one (1) member for one year. Thereafter, at the expiration of each such term, that vacancy is to be filled by Council appointment of a qualified voter of the Town to a three-year (3-year) term. Appointments to fill any unexpired term arising from any cause whatsoever shall be made by the Council from among the qualified voters of the Town. A member of the Town Council shall be appointed each year at the first Council Meeting in January to serve on this Committee.
Duties of the Committee shall include, but not be necessarily limited to the following:

1. As necessary, oversee preparation and updating of a master plan for the development of the Airport and present it to the Council for approval.

2. Promote the orderly growth and development of the Airport and its facilities.

3. Promote general aviation.

4. Make recommendations to the Town Council and Town Manager for needed capital improvements at the Airport in order of their perceived priority.

5. Assist in the preparation of funding requests for capital expenditures from such sources as the Federal Aviation Administration (FAA), and the Maine Department of Transportation, Bureau of Aeronautics (MDOT, BOA).

6. Keep the Town Manager informed as to any general maintenance required at the facility.

7. Administer all development approved by the Council and make recommendations about needed maintenance.

8. Meet, at least annually, with the fixed base operator(s) for purposes of information exchange; coordination of efforts; promoting cooperation and resolving any misunderstandings, dissatisfactions, or problems so as to improve the overall quality and level of available services and maintenance of the Airport.

9. Report to the Council at least annually on all progress in development and/or maintenance of the Airport.

Section 200. BOARD OF APPEALS

There shall be a Board of Appeals as required by Article V, Section 6.03 of the Town Charter, composed of seven (7) members and one (1) associate member. The term of office for regular members shall be five (5) years and for the associate member, three (3) years. When a member is unable to act because of interest, physical incapacity, or absence for any other reason, the associate member shall serve in his/her stead.

Section 201. Purpose

The Board of Appeals shall act as the zoning board of appeals and have the powers and duties as prescribed by the State of Maine for such boards. In addition, the Board of Appeals shall have the jurisdiction to hear appeals that may arise under any other regulatory ordinance enacted by the Town which provides therein for such appeals. An appeal from a Board of Appeals decision may be taken to the Superior Court. See Chapter 13. Zoning Ordinance, Article 3, Sections 305 and 306 for further information.

Section 300. BOARD OF ASSESSMENT REVIEW
There shall be a Board of Assessment Review consisting of five (5) members and two (2) alternates appointed by the Town Council [T.C., Art. V, Sec. 6.04(b)]. Initial appointments of alternates shall be one (1) for one year and one (1) for two years; initial appointment of the additional two members shall be one for three (3) years and one for four (4) years; thereafter the terms of each alternate and member shall be for five years. The majority of the whole number of the Board shall be a quorum. A Chairman shall be elected from among the members. Vacancies for whatever reason shall be filled by appointment of the Town Council.

Section 301. Purpose

The purpose of the Board of Assessment Review is to hear appeals from property owners who are not satisfied with the Assessor's decision on the matter of property tax assessment and/or abatement.

Section 400. CEMETERY BOARD

All the cemeteries belonging to the Town shall be under the superintendence and control of a board of three citizens of the Town to be known as the Cemetery Board. For further information, consult Chapter 4. Cemeteries of the Town Code.

Section 500. ECONOMIC DEVELOPMENT COMMITTEE TEAM

The two Economic Development Committees of the Town were restructured in March of 2004 to prepare for the development of the community, provide a channel for economic development prospects and emphasize a concentration in economic development.

The Economic Development Committee Team shall be advisory in nature. The Town Council shall appoint seven (7) qualified voters of the Town to serve on the Economic Development Committee. initial appointments shall be: four (4) members for three years and three (3) members for two years. At the expiration of each such term, that vacancy is to be filled by Council appointment of a qualified voter of the Town to a three year (3 year) term. Appointments to fill an unexpired term arising from any cause whatsoever shall be made by the Council from among the qualified voters of the Town.

Section 501. Duties

The duties of the Economic Development Committee Team shall include, but not necessarily be limited to, the following:

1. To establish a regular meeting schedule to address economic development activities.

2. To create an Economic Development Action Plan for consideration by the Town Council on a yearly basis. This will be a results orientated program of strategies and tasks which focus the resources of the Town on the economic betterment of the community and enhancement of the quality of life.

3. To be available to assist the Town Manager with promotion of the community and businesses;
business visits, putting together financing options for businesses, compiling grant applications; and other activities which develop during the year.

4. To be available to assist the Town Manager in the promotion and expansion of participation in economic development efforts with the local business community and with the community as a whole.

5. To be available to assist the Town Manager in promoting the Town's interests with regional and state economic development agencies and entities.

6. To designate a subcommittee to administer the Economic Development Revolving Loan Fund. The subcommittee shall be called the Revolving Loan Fund Committee. The Committee shall follow the Economic Development Revolving Loan Fund Management Plan. The subcommittee shall meet as needed based upon the receipt of loan applications. A member of the subcommittee shall report back to the full committee on the loans approved or denied.

Section 600. BOARD OF ETHICS

See Division 4, Article 1, Section 102 of this Chapter for a complete description of the Board of Ethics and its responsibilities.

Section 700. BOARD OF HEALTH

See Division II, Article 3, Section 500. Health Department, of this Chapter for a complete description of this Board.

Section 800. LIBRARY TRUSTEES

See Division II, Article 3, Section 900. Library Department, of this Chapter for a complete description of the Board of Library Trustees.

Section 900. PARKS AND RECREATION BOARD

There shall be a Parks and Recreation Board consisting of five (5) citizens of the Town. For detailed information on this board, see Division II, Article 3, Section 900. Parks and Recreation Department, of this Chapter.

Section 1000. PERSONNEL APPEALS BOARD

There shall be a Personnel Appeals Board composed of three (3) citizens of the Town appointed by the Town Council, as specified in Article 4, Section 402(c) of the Town Charter. Terms shall be for a period of three (3) years, with initial appointments being, one (1) for one year; one (1) for two years; and one (1) for three years. Vacancy caused by resignation, death, or similar reason shall be filled by appointment by the Town Council of a citizen to complete the unexpired term.
Section 1001. Purpose

This Board shall serve as the Personnel legislative authority and shall meet when any employee of the Town requests a hearing. See Chapter 8. Personnel Code, Article 4, Section 103 for further information.

Section 1100. PINNACLE PARK BOARD

The Town Council shall appoint three qualified voters of the Town to serve on the Board. Initial appointments shall be: one (1) member for three years; one (1) member for two years; and one (1) member for one year. Thereafter, at the expiration of each such term, that vacancy is to be filled by appointment of the Town Council of a citizen to serve for a period of three (3) years. Unexpired terms shall be filled by appointment of the Town Council for the period unexpired.

Section 1101. Purpose

The Board shall prepare a master plan for the development of the Pinnacle Park and present it to the Council for approval; properly administer all said development approved by the Council and all maintenance of the Pinnacle Park; and report to the Council at least annually on all progress on development and/or maintenance of the Pinnacle Park.

Section 1102. Funds

The Board shall recommend the expenditure of funds donated for the development and maintenance of the Pinnacle Park, subject to the approval of the Town Council.

Section 1200. PLANNING BOARD

A Planning Board shall be established as authorized by and in accordance with the terms of the Maine Revised Statutes, Annotated, subject to the provisions of Article 6, Section 6.01 of the Town Charter. The Planning Board shall consist of seven (7) regular members, with the term of office being four (4) years. Initial appointments for regular members shall be two (2) for four years; two (2) for three years; two (2) for two years, and one (1) for one year. Vacancies caused by resignation, death, or similar reason shall be filled by appointment of a citizen by the Council to complete the unexpired term. There shall also be two (2) associate members. The appointment of the associate members shall be for three years. When a regular member is unable to act because of interest, physical incapacity, or absence for any other reason, the associate member shall serve in his/her stead in accordance with the written policy adopted by the Planning Board.

Section 1201. Purpose

The Planning Board shall be responsible for the constant supervision of all Zoning, Building, Housing, and Subdivision Ordinances and assistance in revisions, additions, or other changes in these Ordinances. The Board shall formulate a Comprehensive Plan for the Town, and update or revise the plan as needed.

Section 1202. Organization

The Planning Board shall annually elect from among its members a Chairman, Vice-Chairman, and a Secretary.
Section 1300. POOL COMMITTEE (Pittsfield Municipal Pool)

The Town Council shall appoint five qualified voters of the Town to serve on the Pool Committee. Initial appointments shall be: two (2) members for three years; two (2) members for two years; and one (1) member for one year. Thereafter, at the expiration of each such term, that vacancy is to be filled by Council appointment of a qualified voter of the Town to a three year (3 year) term. Appointments to fill any unexpired term arising from any cause whatsoever shall be made by the Council from among the qualified voters of the Town.

Section 1301. Duties

Duties of the Committee shall include, but not necessarily be limited to, the following:

1. Promote recreational swimming and water safety.

2. Promote the provision of a healthy and safe swimming facility.

3. Assist in developing and/or revising procedures that promote standards for safe, quality programming and facility use.

4. Make recommendations to the Town Council and Town Manager for needed capital improvements.

5. Assist in seeking funding sources for capital expenditures from local, state, and federal organizations.

6. Report to the Town Council at least annually with regard to facility maintenance, programming, and/or development.

Section 1400. RECYCLING COMMITTEE

There shall be a Recycling Committee, composed of seven persons appointed by the Town Council, which shall act as a liaison between the Town government and residents of the Town of Pittsfield with respect to recycling efforts. Initial appointments shall be three members for three-year terms, two members for two-year terms, and two members for one-year terms. Subsequent appointments shall be for three years. There shall be one appointee from the Town Council.

Section 1401. Purpose

The purpose of the Recycling Committee is to gather and disseminate information concerning recycling activities and act as a liaison between Town government and the residents of Pittsfield. The Recycling Committee may act as a sounding board for ideas concerning recycling in Pittsfield, assist in formulating a Town-wide recycling program, and report to the Town Council about recycling activities. The Committee may assist with the creation, distribution, and understanding of recycling literature and information; assist
with distribution of recycling containers or otherwise provide overall assistance in starting up a curbside recycling program; wherever possible, utilize the resources of SAD 53 for informing households in Pittsfield with school-age children about recycling activities; and relay to Town officials residents' recycling problems or notify residents of the Town's recycling efforts.

**Section 1402. Organization**

The appointee from the Town Council shall be the Chairman of the Recycling Committee. The Committee shall elect from among its members a Vice-Chairman and a Secretary.

**Section 1500. HOUSING REHABILITATION REVOLVING LOAN FUND COMMITTEE**

A Housing Rehabilitation Revolving Loan Fund Committee was established in April of 1987 to assist in the screening of applicants for a small revolving loan fund established from funds received through the sale of properties acquired or improved through a Community Development Block Grant program administered in 1984-1986. The Committee shall consist of five persons (residents or nonresidents) appointed by the Town Council. Initial appointments shall be two (2) members for three years; two (2) members for two years, and one (1) member for one year. Terms shall be three years. Members shall be selected from each of the following areas of professional expertise: real estate; banking; residential construction/repair. There shall be one appointee from the Town Council and one person from the public at large. In addition, the Town Council may, from time to time, appoint to the committee such temporary neighborhood representatives as it deems advisable.

**Section 1501. Purpose**

The Housing Rehabilitation Revolving Loan Fund Committee will prioritize applications for loans and make recommendations to the Town Council as to which loan or loans would best serve the interest of health and safety considerations and security of the loans themselves. The Committee may recommend a rate of interest. Loans must be considered according to the guidelines (management plan) set up for this fund.

**Section 1600. THEATER COMMITTEE**

See Division II, Article 3, Section 1000. Pittsfield Community Theater, of this Chapter, for a complete description of the Theater Committee.

**Section 1700. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

The Town Council shall appoint, on an annual basis, 9-13 people to serve on a Community Development Advisory Committee (CDAC). The term of office shall be for one year. Members may be reappointed to successive terms. The Council shall seek to balance the Committee's composition to represent the following interests: a Town wide community development perspective, including experience from prior projects; representation of current or anticipated target projects; and persons with technical knowledge or associations which will enable them to assist with Pittsfield's community development activities. Committee members need not be Town residents, but at least 75% of the Committee members in any given year shall be Pittsfield residents qualified to vote.
Section 1701. Duties

Duties of the Committee shall include, but not necessarily be limited to, the following:

1. Meet at least twice annually.

2. Review Pittsfield's community development needs on an annual basis, taking into consideration economic development, social services, housing, infrastructure, and other relevant factors.

3. Prioritize the various identified needs and make recommendations in the form of an annual report to the Town Council. Town staff will assist with this effort.

4. Research and evaluate potential outside funding sources and make recommendations on programs and applications for funding.

5. Develop a forum for citizen input and participation into community development needs assessment and prioritization.

6. Provide oversight for community development projects.

7. Coordinate with other Town organizations when community development efforts involve topics under their jurisdiction(s).

8. Elect leadership from among the membership and develop rules of procedure as needed to conduct business.

DIVISION 4. CODE OF ETHICS

Section 101. Code of Ethics

101.1 Declaration of Policy

The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors and their appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors and all members and associate members of any Board or Committee appointed by the Council. This Code of Ethics is not intended to deny Council members nor Board or Committee members their constitutional rights nor violate their civil rights.

101.2 Statutory Standards
There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all Town Councilors and their appointees whenever applicable as if more fully set forth therein, to wit:

17 MRSA SS 3104 Conflicts of Interest; Purchases by the State
17-A MRSA SS 456 Tampering with Public Records of Information
17-A MRSA SS 602 Bribery in Official and Political Matters
17-A MRSA SS 603 Improper Influence
17-A MRSA SS 604 Improper Compensation for Past Action
17-A MRSA SS 605 Improper Gifts to Public Servants
17-A MRSA SS 606 Improper Compensation for Services
17-A MRSA SS 607 Purchase of Public Office
17-A MRSA SS 608 Official Oppression
17-A MRSA SS 609 Misuse of Information
17-A MRSA SS 903 Misuse of Entrusted Property
21 MRSA SS 533 Persons Ineligible to Serve as Election Officials
30-A MRSA SS 2605 Conflicts of Interest
30-A MRSA SS 5122 Interest of Public Officials, Trustees or Employees

101.3. Definitions

A. Business: Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purposes of making a profit.

B. Town Councilor: Sworn Member of the Pittsfield Town Council.

C. Council Appointee: Any sworn member or associate member of any board or committee appointed by the Town Council, including, but not limited to, the Board of Appeals, Board of Ethics, Planning Board, Assessment Review Board, Personnel Appeals Board, Pinnacle Park Board, Theater Committee, Parks and Recreation Committee, Manson Park Committee, Swimming Pool Committee, Library Trustees, Cemetery Board, Economic Development Revolving Loan Fund Committee, Recycling Committee, Rehabilitation Housing Revolving Loan Fund Committee, and Board of Health.

D. Town Employee: Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the Town of Pittsfield, except employees of School Administrative District #53. The term "Town employee" shall not include consultants or special personnel providing services on a short-term contractual basis for less than one year.

E. Immediate Family: Spouse, and the following when living in the household of a Council member or appointee of the Council: children, parents, brothers, and sisters.

F. Financial Interest: A direct or indirect interest having monetary or pecuniary value
including, but not limited to, the ownership of shares of stock.

G. Special Interest: A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Town Council or their appointees, and which interest is not shared by the general public.

H. Censure: A judgment or resolution condemning a person for misconduct.

101.4. Standards of Conduct

The purpose of this Code is to establish minimum ethical standards of conduct for all Town Councilors and their appointees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interest of the Town of Pittsfield.

101.5. Conflicts of Interest

No Councilor or Council appointee shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with or by the Town (except that he or she may be allowed to submit bids for same in accordance with the Town ordinances and under the laws of the State of Maine), where to his or her knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

A. himself or herself or a member of his or her immediate family;

B. a business in which he or she or a member of his or her immediate family serves as an officer, director, trustee, partner or employee in a policy making position; or

C. any other person or business with whom he or she or a member of his or her immediate family are in business, or are negotiating to have an arrangement concerning future employment.

No Town Councilor or council appointee shall participate by means of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for Town employment or Town employee, as the case may be, where the applicant or employee is:

A. a member of his or her immediate family; or

B. a person with whom either he or she or a member of his or her immediate family are in business.

During the term of office of a Councilor, the hiring of an immediate family member or the significant other of a Councilor as a part-time or full-time employee of the Town is prohibited,
excluding Recreation Department part-time employees, Fire Department part-time employees, excluding officers and part-time cemetery workers.

101.6. Disclosure of Confidential Information

No Town Councilor or Council appointee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the financial or private interest of himself or herself or others. For purposes of this subsection, the term “confidential information” shall mean any information, oral or written, which comes to the attention of, or is available to, such Town Councilor or Council appointee only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the Pittsfield Town Council or any Town agency, board or committee shall be considered within the constraints of this section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

101.7. Gifts and Favors

No Town Councilor or Council appointee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor or Council appointee:

a) accept any gift, favor or thing of value that tends to influence him or her in the discharge of his or her official duties; or

b) grant in the discharge of his or her official duties any improper favor, service or thing of value.

101.8. Use of Town Property

No Town Councilor or Council appointee shall use, or permit the use of, any Town-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established for the public at large.

101.9. Conflicts of Interest

(A) Deliberation and Vote Prohibited - No Town Councilor or council appointee shall participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his or her collective body in which he or she or a member of his or her immediate family has a financial or special interest, other than an interest held by the public generally.

(B) Disclosure of interest in Agenda Items - Any Town Councilor or council appointee who believes he, or a member of his immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her
collective body shall disclose the nature and extent of such interest, and have it recorded by the Clerk on the Town records of such item.

Additionally, any Town Councilor, Board Member or Committee Member who believes that any fellow Town Councilor, Board Member or Committee Member, or a member of such fellow Town Councilor’s, Board Member’s or Committee Member’s immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body, shall disclose the nature and extent of such interest, and have it recorded by the Clerk on the Town records of such item.

(C) Determination of Conflict - Once the issue of conflict has been initiated relative to an individual Town Councilor, Board Member or Committee Member, and disclosure has been made as provided above, the individual initiating the issue of conflict may request unanimous consent for the affected individual to be excused from participating in the deliberation or vote on the agenda item; if there is any objection to this unanimous consent request, such individual’s fellow Town Councilors, Board Members or Committee Members shall vote on whether or not such individual shall be excused from participating in the deliberation or vote, or otherwise taking part in the decision-making process, on the relevant agenda item. Such individual shall be excused only upon a vote of the majority of his or her fellow Town Councilors, Board Members or Committee Members that a conflict of interest in fact exists.

(D) Avoidance of Appearance of Conflict - Once any individual Town Councilor, Board Member or Commission Member has been determined to have a conflict of interest in respect to any agenda item, said individual may immediately remove himself or herself from the meeting room, or to the area of the room occupied by the general public, until deliberation and action on the agenda item has been completed.

(E) Personal Interest - Nothing herein shall be construed to prohibit any Town Councilor, Committee Member, or Board Member from representing his or her own personal interest by appearing before his or her collective body on any such agenda item.

101.10. Disclosure Statement by Town Councilors and Council Appointees

Every Town Councilor and Council appointee shall file with the Town Clerk within sixty (60) days after being elected or appointed, and thereafter during the month of April each subsequent calendar year a written statement under oath containing the following information, to the best of his or her knowledge and belief: The name of each person or business entity doing business with the Town in an amount in excess of twenty-five hundred dollars ($2,500.00) during the preceding calendar year from which such Councilor or Council appointee, or a member of his or her immediate family, has received money or other thing of value in an amount in excess of one thousand ($1,000.00) during the preceding calendar year, including contributions.

For the purposes of this Code, a list prepared by the Finance officer of those persons or business entities doing business with the Town in an amount in excess of twenty-five hundred dollars ($2,500) shall be determinative for purposes of reporting under this Section. Income
from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

101.11. Political Activities

No Town Councilor or Council appointee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the Town. In conjunction herewith:

No Town Councilor or Council appointee may solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. Nothing herein shall be construed to prohibit any Town Councilor, Board member, or Committee member from participating in the political process in his or her capacity as a private citizen.

Section 102. Board of Ethics

There is hereby created and established a Board of Ethics consisting of five (5) members appointed by the Town Council. All members shall be appointed for terms of three (3) years each. All members must reside in the Town of Pittsfield. No member shall serve more than two consecutive terms.

A. Procedures and Records

1. Meetings: The Board shall meet at least annually for the election of officers and review of procedures. Regular meetings of the Board of Ethics will be held on the second Wednesday of each month, to the extent practicable. Three-fifths of the members present shall constitute a quorum. Meetings may be held in executive session, when the Board deems it necessary, to protect individuals who may potentially be the targets of unfounded or frivolous allegations. The Board may invite witnesses to testify concerning any allegations of conflict of interest, but shall have no subpoena power. The Board shall at all times maintain in the office of the Town Clerk appropriate records of its proceedings and opinions.

B. Duties: The Board shall render advisory opinions to the Town Council when there is doubt as to the applicability of any provisions of this Code to any particular situation. In the performance of its duties, the Board shall limit its review and fact-finding only to those issues referred to it involving alleged or potential conflict of interest on the part of Town Councilors, Board or Committee Members in the performance of their official duties with respect to deliberation and voting on agenda items before their respective bodies. The Board shall also perform such other duties as may be prescribed from time to time by the Town Council.

C. Initiation of Procedure: Any Town Councilor, Board Member, Committee member, or resident of Pittsfield seeking advice as to whether a particular situation constitutes a violation of this Code shall submit to the Board of Ethics a written statement outlining the details of the matter in question. After review and fact-finding, the Board shall either:

1. issue an advisory opinion to the originator of the inquiry that no conflict appears to exist and the matter will not be subject to further review;
2. advise the Mayor of the Council or the Chairperson of the appropriate Committee or Board where any action of its members has been determined to be at least questionable but not obviously a conflict of interest;

3. issue an advisory opinion to the Council in those cases where an action or potential action has been determined by the Board to represent a clear conflict of interest. Such an advisory opinion shall clearly state the Board’s basis for its opinion.

In addition, if the Board finds any matter referred to it to have been based upon allegations it determines to have been frivolous or with malice, it shall so advise the Council.

It is the purpose and intent of this Code to provide a mechanism by which all such matters may be handled in an orderly and impartial fashion in such a manner as to protect the best interests of the citizens of the Town of Pittsfield and the personal and private interests of its Town Councilors, Board members and Committee members.

Section 103. Penalties

In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted by the Town Council. A majority of the Pittsfield Town Council shall conduct such proceedings. In addition, on the application of at least ten (10) residents of the Town, the Superior Court may restrain proceedings in violation of this Code.

Section 104. Separability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

1 Ordinance 03-17, 06/03/03
2 Ordinance 01-21, 12/04/01 – Deleted
3 Ordinance 04-19, 10/05/04
4 Ordinance 03-27, 10/07/03
5 Ordinance 04-06, 03/16/03
6 Ordinance 03-19, 07/15/03
7 Ordinance 08-08, 04/15/08
8 Ordinance 07-05, 03/20/07
9 Ordinance 07-07, 05/01/07
10 Ordinance 07-12, 08/21/07
11 Ordinance 12-03, 10/16/12
12 Ordinance 14-02, 04/01/14
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CHAPTER 2A. BUSINESS LICENSES AND PERMITS

ARTICLE 1: GENERAL PROVISIONS

Section 101. Applications

Applications for all business licenses and permits required by this ordinance shall be filed in writing with the Town Clerk in the absence of provisions to the contrary. Forms shall be provided by the Town Clerk and shall state the information required. Applications shall be accompanied by the required fee. The application will be set to hearing at the next regular Council meeting.

Section 102. Licensing Board

In accordance with Title 30-A and Title 8, the Town Council shall act as the Licensing Authority or Board for the issuance of all licenses or permits required by this Ordinance. All initial applications, except for Garage Sales and Concealed Weapons permits, shall be considered by the Licensing Board.

Section 103. Agent of the Council

As the Licensing Authority, the Town Council authorizes and directs the Town Clerk to act as Agent for the Council to hear and issue all license and permit renewals required by this Ordinance except for those which specifically state other action is required.

Section 104. Denial

Where all of the requirements of the State Statutes or the Town Ordinances have not been met or where an applicant fails to meet inspection requirements, the Town Clerk shall deny the renewal application, which action may be appealed to the Council within thirty (30) days of the denial. The Town Clerk shall, upon making a denial, immediately notify, in writing, the applicant and the Town Council (Licensing Board) of the denial.

Section 105. Appeal of Hearing Decision

The applicant may file to the Town Clerk a written application for a Council hearing upon the denial. Upon receipt of such a request, the Council shall set the matter for hearing before them at a date not more than thirty (30) days from the date of the receipt of the request for appeal.

The applicant shall have the opportunity to be represented by counsel at the hearing to present evidence in the applicant’s behalf. The Town Clerk or any agent of the Town shall have like opportunity to present evidence in support of the Town's position for denial.

Section 106. Council Decision

The Council, as the Licensing Board, shall make its decision to grant or deny the license or permit or to modify the same upon such terms and conditions as it deems, as long as such terms and conditions are within the authority of the Licensing Board.
In making its decision, the Licensing Board shall consider a) the specific requirements of the license or permit; b) the arguments presented with respect to the applicant meeting/not meeting the requirements; and c) in matters where the Licensing Board has discretion, it shall make its requirements understandable to the applicant.

**Section 107. Inspection and Approval**

Upon receipt of an application for a license or permit where the Maine Revised Statutes or this Ordinance necessitate an inspection or investigation before the issuance of such license or permit, the Town Clerk shall refer such application to the appropriate officer for making such inspection within 72 hours of the time of such receipt. Inspections shall be made and reported upon within seven (7) days. Such license or permit shall not be issued until and unless all required approval is received, as evidenced by signatures on the application. Inspections shall be made, as required, by the Code Enforcement Officer, the Chief of Police, and the Fire Chief or their designees.

**Section 108. Suspension or Revocation**

Any license or permit issued by the Town may be suspended or revoked as follows:

a) Any department head or Town employee charged with the issuing, supervision, monitoring, inspection, or otherwise of any licensee shall, upon finding that such licensee is in violation of any requirement of the Maine Revised Statutes or this Ordinance, notify the Mayor, or other Head of the Licensing Board, in writing of such violation.

b) The Mayor, or other Head of the Licensing Board, shall, without hearing, suspend the license in question for a period of five (5) days by notifying the licensee or his agent in writing of such suspension, having such notice delivered in hand by a constable of the Town of Pittsfield. Such notice shall inform the licensee of the appeal procedure of such suspension. The suspension herein provided shall become a permanent suspension unless the licensee makes his appeal to the Licensing Board as hereinafter provided.

c) The licensee may apply in writing to the Town Clerk for a hearing upon the suspension. Upon receipt of such application for reinstatement, the Licensing Board shall set the matter for hearing before them at a date no more than thirty (30) days from the date of the receipt of the application for reinstatement.

d) Hearings for reinstatement shall be conducted in the same manner as hearings for appealing a denial of license, and the Licensing Board shall make its decision according to the same criteria.

**Section 109. Schedule A**

Schedule A attached hereto and incorporated herein is a listing of the individual licenses/permits with information regarding Statute, Fee, Expiration, Inspection, Public Hearing, Approval and General Information. Fees to be adopted by order of the Town Council and published in Schedule A.

**Section 110. Termination of Licenses/Permits**

Except as otherwise provided by this Ordinance or by the Maine Revised Statutes, the term of all licenses shall be for a period of one year and shall terminate on the last day of the fiscal year (December 31), unless the license
indicates a lesser period. If a license is applied for within thirty (30) days of its normal expiration date, that license shall be valid for the next licensing period (year).

Section 111. Transferability

No license or permit issued under this Ordinance shall be transferable. When a business or enterprise is transferred to a new owner, its license shall immediately terminate and, unless otherwise provided by Statutes or Ordinances, the new owner shall be required to apply for a new license under the terms of this Ordinance.

Section 112. License Displayed

Every person licensed and having a store or shop shall post his/her license in some conspicuous public place in his/her place of business.

Section 113. Unlicensed Penalty

Any person or entity lacking a required license is subject to a civil penalty of $10.00 for each day a required license is lacking.

ARTICLE 2. LICENSES

The following is an alphabetical listing of licenses/permits required by this Ordinance and/or the Maine State Statutes.

Section 200. ALCOHOLIC BEVERAGES AND SPECIAL AMUSEMENT

Liquor licenses must be purchased from the State and require approval by the Town Council for new on-premise licenses and for transfer of location of existing on-premise licenses. The Municipal Officers may hold hearings for on-premise license renewals, new or relocated on premises licenses.

No licensee for the sale or consumption of alcoholic beverages shall permit any music except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town of Pittsfield a special amusement permit signed by at least a majority of the Municipal Officers.

For the purposes of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

Applications for all special amusement permits shall be made in writing with the Town Clerk 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 Municipal Officers in the issuing of the permit, including but not limited to a copy of the applicant's current
liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the Town of Pittsfield.

The Municipal Officers 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.

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the Municipal Officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee, or person in charge of the premises, at the time it is sought to make the inspection.

Section 201. BEANO/BINGO

Beano/Bingo permits shall be issued by the Chief of the State Police with the consent of the Pittsfield Town Council in accordance with State Statutes. Beano/Bingo shall not be conducted on Christmas, and not until after 12:00 noon on Sundays. No Beano/Bingo games may be conducted between the hours of 12:00 midnight and 7:00 a.m.

Section 202. CARNIVALS AND CIRCUSES

Any person, firm, association, or corporation intending to operate a carnival or circus within the limits of the Town of Pittsfield shall first make application to the Licensing Board. Such application shall clearly state the location of such event and contain the prior approval of the owner(s) and supervisor(s) of such location. The operator of such carnival/circus may be required to have the premises patrolled by Town Police at the owner/operator's expense. The fee to be charged per hour will be established for each calendar year based upon the current budget. The fee shall cover all wages, benefits and costs. Fees may be exempted for charitable organizations.

Section 203: CLOSING OUT SALE:
Licenses for closing out sales Going out of business sales shall be issued in accordance with and subject to the requirements of State Statutes.

Section 204. CONCEALED WEAPONS

Concealed weapons permits shall be issued by the Chief of Police in accordance with State Statutes.

Section 205. GARAGE/YARD SALES

This is any casual sale by a Pittsfield resident of tangible personal property which is advertised by any means or made evident by articles being set out in a yard, porch or garage whereby the public at large is or can be made aware of such sale.

A permit shall be obtained for each sale. Duration of a sale shall be not more than three (3) days. A resident may have no more than three (3) sales per year. No more than three (3) sales shall be held at the same location per year.

In the case of a sale at a single location with more than one participant, such as a flea market, the sponsor of such sale may obtain one (1) permit, the fee for which shall be $10.00.

Application for permit shall include name and address of person holding the sale, location of the sale, duration of the sale, and permission of the property owner of location where sale is to be held if other than that of the applicant.

All signs erected or posted announcing any such garage sale shall be removed immediately upon completion of the sale. It is unlawful to post signs on telephone or power poles.

Section 206. JUNKYARDS & AUTOMOBILE GRAVEYARDS/AUTOMOBILE RECYCLING BUSINESS

Permits shall be issued in accordance with and subject to the requirements of State Statutes.

Section 207. PARADES

A permit to conduct a parade along the streets and/or roads of the Town of Pittsfield is required. The fee may be waived for charitable organizations at the discretion of the Council.

Section 208. PUBLIC EXHIBITIONS, PERFORMANCES, SHOWS

With the exception of schools, nonprofit organizations, and local charitable organizations, no person, organization, association, or corporation shall conduct or operate any exhibition, performance, or show (to include Carnivals and Circuses) for which an admission fee is charged without first obtaining a license therefore. Either the Fire Chief or the Police Chief may condition their approval upon the presence of one or more members of their respective departments at the event at the expense of the person conducting the event. The live exhibition of bare or uncovered breasts of girls or women or bare or uncovered buttocks or pubic areas of girls, women, boys, or men is strictly prohibited.
Section 209. SOLID WASTE COLLECTORS

No person shall operate a commercial enterprise for the collection and disposal of garbage and refuse and other trash in the Town of Pittsfield without having first obtained a license therefor from the Town.

Section 209.1. Application and Issuance

Application shall be filed with the Town Clerk on or before December 1 each year upon forms provided by the Town. Each application shall be accompanied by a current list of Pittsfield customers and daily routes for each vehicle.

Section 209.2. Area of Collection

Only garbage collected within the corporate limits of Pittsfield may be deposited at the Pittsfield Transfer Station (See Chapter 5. Transfer Station for more information).

Section 210. TAXICABS

No person or firm shall conduct a taxicab business in the Town of Pittsfield without first obtaining a license from the Town. Before approving an application for such license, the Licensing Board shall make due inquiry into the character, driving proficiency, financial standing, and accident experience of each operator, and no license shall be approved unless the Board is satisfied that the interest and safety of the public will not be endangered thereby. The Licensing Board shall establish such taxi stands on such streets and in such manner as they may determine advisable for the best interest and convenience of the public, should such stand(s) be requested by the licensee. The Town Council (Licensing Board) may change, alter, or revoke any taxi stand assigned and, upon good cause shown, may revoke any license granted under this section. The applicant will file with the Town Clerk a certificate, in a form satisfactory to the Town’s counsel, evidencing public liability insurance coverage in an amount not less than $400,000, or any higher amount that may be established by amendments to the Maine Tort Claims Act, and naming the Town as an additional insured. The certificate shall also provide for notice to the Town Clerk not less than thirty (30) days prior to any cancellation of insurance. The person or firm shall maintain such insurance at all times while engaged in the taxicab business.

Section 211. TRANSIENT SELLER OF CONSUMER MERCHANDISE AND LUNCH WAGONS

No person shall offer for sale any consumer merchandise, other than at his place of business, without first obtaining a license from the Town. For purposes of this ordinance, a “transient seller” is a person who engages in the temporary selling of goods or merchandise without having a place of business in the Town.

A non-profit, community development organization or town-sponsored festival responsible for a marketplace shall also be considered the “transient seller” for that specific event and shall be responsible for obtaining a license for the event. Individual seller licenses shall not be required when an event license is obtained hereunder.

No person shall offer for sale any consumer merchandise on property owned or controlled by the Town, including but not limited to street rights-of-way, parks and parking lots, without the prior agreement or authorization of the Town.
Any person, non-profit or community development organization conducting sales of consumer merchandise under such agreement or authorization will file with the Town Clerk a certificate, in a form satisfactory to the Town’s counsel, evidencing public liability insurance coverage in an amount not less than $400,000, or any higher amount that may be established by amendments to the Maine Tort Claims Act, and naming the Town as an additional insured. The certificate shall also provide for notice to the Town Clerk not less than thirty (30) days prior to any cancellation of insurance. The person, non-profit or community development organization shall maintain such insurance at all times while engaged in sales.

Section 211.1. License Exemptions

The following shall be exempt from the license requirements, but shall be subject to the insurance requirement set forth above:

a. Members of the Pittsfield Farmers Market selling products of their own production.

b. Persons selling by lists, catalogs, order forms, or otherwise consumer merchandise for future delivery.

c. Persons selling fish, farm, dairy, or orchard products of their own production; or persons selling newspapers, magazines, or religious literature.

1Section 212. JUNK DEALER AND SECOND-HAND DEALER

No person shall engage in the business of junk dealer or second-hand dealer without first having a license permit issued by the Town for such activity in accordance with this section and Article1; General Provisions of this Ordinance.

Section 212.1 Definitions

a. Junk Dealer shall mean any person engaged in the purchase, sale or barter of old iron, steel chain, aluminum, brass, copper, tin, lead or other base metals, belting, waste paper, old rope, old bags, bagging, barrels, piping, rubber, glass empty bottles and jugs of all kinds and quantities of less than a gross and all other materials discarded or no longer used as manufactures articles composed of any one or more of the materials herein before mentioned.

b. Second-hand Dealer shall mean any person who engages in the purchase, collection, transfer or storage for later resale or who engages in the trading or selling unless such sale is by auction of 3 days or less of any article, vehicle or material, or portion thereof, of which prior used has been made in any manner whatsoever. The term “second –hand dealer” shall not be construed to include pawn broker, junk collectors, used car dealer, antique dealer who handle and sell bona fide antiques exclusively; nor shall it include any person primarily engaged in the retail sale of new and unused goods who deals with used goods only incidentally such as accepting such goods in trade as part of a transaction involving the sale of new goods but only to the extent that such used goods are of the same type as the new goods sold by such person.

Section 212.2 Licensing

a. The Licensing Board shall grant a license if the applicant has chosen a location which complies with
all municipal zoning ordinances, has not been convicted of a crime arising out of sale of items covered in Section 212.1, has not violated State laws governing junk dealer and second-hand dealers, and has filed an application with the Town Clerk with the following information:

1. Name of applicant;
2. Proposed place of business;
3. Hours of operation;
4. Manner of operation

b. Any person who conducts a sale of used items from a residence more frequently than the single garage sale as defined in Section 205 shall be deemed to be a second-hand junk dealer and must comply with all the requirements of this section. Renewals shall be issued by the Town Clerk upon submission of a renewal application substantially identical to the original application. If the operation has changed locations or differs substantially from the original application, the Licensing Board shall review the renewal application.

Section 212.3 Regulations

Every person licensed under this Ordinance shall put and keep in some conspicuous place on and outside his place of business a sign designating that he is licensed to deal in such articles.

No person licensed under this Ordinance shall display items for sale outside of their place of business for more than one business day period. No items may be lift outside over night. There will be no exterior storage of any items accumulated for sale or items used as parts to repair any items for sale or discarded items allowed.

All items too large for interior storage shall be concealed by fencing from all sides.

All signs shall be in accordance with Chapter 13 Section 4 signs.

Section 213. PAWNBROKER

No person shall, within the limits of this Town, keep or occupy any shop, storehouse, building, or place of business for the purchase, possession, storage, sale or barter of articles of any kind usually handled or dealt in by a pawn broker, nor shall any person keep or store such articles, or permit same to remain in any building after notice to remove them, or to be a pawnbroker for such articles, unless duly licensed to be a pawnbroker.

Section 213.1 Inspection

A license shall be granted only after inspection and certification by the Police Chief and Code Enforcement Officer. A background check shall be conducted by the Police Chief as part of the certification process.

Section 213.2 Records Required

Every person licensed to deal in such articles shall keep a record of all purchases of any such articles, with the date of the purchase, name and residence of the seller, automobile registration number of the seller, and
a brief description of each article purchased, in a proper book which shall at all times be open for
inspection by the Police Chief or his/her designee and/or Code Enforcement Officer or his/her designee
upon request. In addition, Pawnbrokers shall be governed by Title 30-A

Section 213.3 License Displayed

Every person licensed and having a store or shop shall post his license in some conspicuous place in his
place of business.

Section 213.4 Violation and Penalty

Any persons violating any of the provisions of this Section or subsections thereof shall be punished by a
fine of not more than $100.00, together with costs of prosecution for each offense.

Section 214. Separability

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

1Ordinance 06-35, 07/18/06
2Ordinance 09-21, 11/04/09
3Ordinance 13-12, 07/09/13
4Ordinance 19-05, 05/21/19
<table>
<thead>
<tr>
<th>LICENSE</th>
<th>STATUTE</th>
<th>FEE</th>
<th>EXPIRES</th>
<th>INSPECTION</th>
<th>PUBLIC HEARING</th>
<th>APPROVAL</th>
<th>INFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic Beverages and Special Amusement</td>
<td>28-A</td>
<td>$50.00 initial $25.00 renewal</td>
<td>1 year from date of issuance</td>
<td>Police Chief, Fire Chief, Code Enforcement Officer or their designees</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Beano/Bingo</td>
<td>17</td>
<td>$25.00 each</td>
<td>Chief of State Police</td>
<td>Chief of State Police</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td>Council may approve annual blanket approval letter to be signed by Town Manager</td>
</tr>
<tr>
<td>Business Permit</td>
<td></td>
<td>$50.00</td>
<td></td>
<td>Police Chief, Fire Chief, Code Enforcement Officer or their designees</td>
<td>No</td>
<td>Town Clerk - after Inspection Approval</td>
<td></td>
</tr>
<tr>
<td>Carnivals and Circuses</td>
<td>8</td>
<td>$25.00</td>
<td>Length of event on permit</td>
<td>No</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td>Fees may be exempted for charities, may require police patrol</td>
</tr>
<tr>
<td>Closing Out Sale</td>
<td>30</td>
<td>$25.00</td>
<td>60 days</td>
<td>No</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Concealed Weapons</td>
<td>25</td>
<td>$35 initial $20 renewal</td>
<td>3 years</td>
<td>No</td>
<td>No</td>
<td>App. and issue by Police Chief</td>
<td></td>
</tr>
<tr>
<td>Garage Sales</td>
<td></td>
<td>$2.00</td>
<td>Max 3 days each</td>
<td>No</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## CHAPTER 2A: BUSINESS LICENSES AND PERMITS
### SCHEDULE A

<table>
<thead>
<tr>
<th>LICENSE</th>
<th>STATUTE</th>
<th>FEE</th>
<th>EXPIRES</th>
<th>INSPECTION</th>
<th>PUBLIC HEARING</th>
<th>APPROVAL</th>
<th>INFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junkyards &amp; Automobile Graveyards/Automobile Recycling</td>
<td>30-A, 29-A</td>
<td>$50.00 per year if more than 100 ft from highway; $200.00 per year if within 100 ft. of highway &amp; advertising</td>
<td>October 1</td>
<td>Code Enforcement Officer</td>
<td>Planning Board Public hearing, Town Council public hearing - resolution</td>
<td>Council</td>
<td>State Application</td>
</tr>
<tr>
<td>Parades</td>
<td>8</td>
<td>$25.00</td>
<td>Per event</td>
<td>Approval of Police Chief</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td>fee may be waived for charities</td>
</tr>
<tr>
<td>Public Exhibitions, Performances, Shows</td>
<td>8</td>
<td>$25.00</td>
<td>Each performance</td>
<td>Police Chief, Fire Chief, Code Enforcement Officer or their designees</td>
<td>No PH - Resolution</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Collectors</td>
<td>--</td>
<td>$100.00 per truck per year</td>
<td>December 31</td>
<td>No</td>
<td>No PH - Initial Resolution</td>
<td>Council</td>
<td>Town Clerk - after initial Resolution can’t dump at Transfer Station after January 1</td>
</tr>
<tr>
<td>Taxicabs</td>
<td>30-A</td>
<td>$25.00 per vehicle</td>
<td>December 31</td>
<td>Yes - Resolution</td>
<td>Council</td>
<td>Liability insurance</td>
<td></td>
</tr>
<tr>
<td>Transient Seller of Consumer Merchandise and Lunch Wagons</td>
<td>30-A</td>
<td>$5.00 per day, $50.00 annually. Fee may be waived for a non-profit, community development organization or town-sponsored festival.</td>
<td></td>
<td>Police Chief, Fire Chief, Code Enforcement Officer or their designees</td>
<td>No</td>
<td>Town Clerk - after Inspection Approval liability insurance is required on town property</td>
<td></td>
</tr>
<tr>
<td>LICENSE</td>
<td>STATUTE</td>
<td>FEE</td>
<td>EXPIRES</td>
<td>INSPECTION</td>
<td>PUBLIC HEARING</td>
<td>APPROVAL</td>
<td>INFO</td>
</tr>
<tr>
<td>---------------------------------</td>
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<td>----------</td>
<td>-------------------------------------------------</td>
<td>------------------------------------</td>
<td>----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Junk Dealer and Second-hand Dealer</td>
<td>30-A</td>
<td>$25.00 annually</td>
<td>December 31</td>
<td>Police Chief, Fire Chief, Code Enforcement Officer or their designees</td>
<td>No PH – Initial Resolution</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Pawnbroker</td>
<td>30-A</td>
<td>$50.00 annually</td>
<td>December 31</td>
<td>Police Chief and Code Enforcement Officer or their designees</td>
<td>No</td>
<td>Police Chief and Code Enforcement Officer</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 2B is GENERAL ASSISTANCE. This information will be updated yearly from the State and this is the information that goes in this section.
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CHAPTER 3. BUILDING CODE

ARTICLE 1. APPLICABILITY

The standards of this code shall apply to all areas of the town. The basis for this Code shall be the NFPA 5000 Building Construction and Safety Code, 2003 edition, which is adopted by reference excepting and excluding chapters 1, 22 which is included below, 32, 39, 50, 51, 52 and 53.

ARTICLE 2. INSPECTOR OF BUILDINGS

The Inspector of Buildings shall be appointed by the Town Manager annually and shall be the administrative officer of this ordinance. He/she shall receive applications and fees for permits allowing the erection or alteration of buildings as provided in this ordinance; shall keep complete records of all applications and his/her action on the applications; promptly survey and inspect all buildings, alterations, or uses proposed except as provided here in; accept and deposit with the Town Treasurer all fees collected by him/her under this ordinance; and may issue permits for erection, alteration, or remodeling of all buildings and the use of land if in his opinion the proposal complies with the law of the State, this ordinance and other town ordinances and by-laws provided that in any instance where license or permit fees for uses are required this permit shall constitute only an approval on which the proper authority may issue a license on payment of required fees and other duties prescribed by law; shall act in cooperation with the Fire Chief in any matter in which their duties as prescribed by law may coincide or conflict; and shall take such action in the enforcement of this ordinance as necessary.

The administration and inspection, as require, of this Code shall be limited to one and two residential dwellings. Determining and insuring compliance with this code for uses/structures other than one and two family dwellings shall be the responsibility of the owner, builder and/or Architect/Engineer.

ARTICLE 3. BOARDS OF APPEALS

The Board of Appeals shall hear appeals of decisions of the Inspector of Buildings as authorized under the Pittsfield Zoning Ordinance.

ARTICLE 4. PERMIT

Before construction, relocation, replacement, or enlargement or modification of any building, including prefabricated and mobile homes has commenced, the owner or lessee, or the architect, engineer, contractor or builder employed by such owner or lessee shall obtain from the Building inspector a permit covering such proposed work.
# Building Permit Fee Schedule

## Residential Building Permits
*(Includes Garages, Accessory Buildings and Agricultural Buildings)*

<table>
<thead>
<tr>
<th>Area</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.05 per square foot</td>
<td>Minimum Fee $25.00</td>
</tr>
</tbody>
</table>

## Commercial Building Permits

<table>
<thead>
<tr>
<th>Area</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.07 per square foot</td>
<td>First 4000 square feet</td>
</tr>
<tr>
<td>$0.05 per square foot</td>
<td>Over 4000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Fee $50.00</td>
<td></td>
</tr>
</tbody>
</table>

## Shoreland Zoning Permits
*(Required in addition to Building Permits)*

<table>
<thead>
<tr>
<th>Activity</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$50.00</td>
</tr>
<tr>
<td>Commercial (Plus Technical Review Costs if Needed)</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

## Demolition Permits

<table>
<thead>
<tr>
<th>Parameters</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 1,000 sq. ft.</td>
<td>$10.00</td>
</tr>
<tr>
<td>1,001 - 2,500 sq. ft.</td>
<td>$20.00</td>
</tr>
<tr>
<td>2,501 and up sq. ft.</td>
<td>$40.00</td>
</tr>
</tbody>
</table>

## Alteration Building Permits (Residential Only)

<table>
<thead>
<tr>
<th>Construction Costs</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.00 per $1,000</td>
<td>Minimum Fee $15.00</td>
</tr>
</tbody>
</table>

## Alteration Building Permits (Commercial Only)

<table>
<thead>
<tr>
<th>Construction Costs</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.50 per $1,000</td>
<td>Minimum Fee $50.00</td>
</tr>
</tbody>
</table>

## Sign Permits

<table>
<thead>
<tr>
<th>Surface Area</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 20 sq. ft. (total)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Up to 40 sq. ft. (total)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Up to 66 sq. ft. (total)</td>
<td>$20.00</td>
</tr>
<tr>
<td>Up to 100 sq. ft. (total)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Over 100 sq. ft. = Additional $0.15 per sq. ft.</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

## Banners, Canopies

- $1.00 per linear foot

## Temporary Signs (1-30 Days)

- $5.00
No Building Permit shall be issued without payment of such fees as are from time to time promulgated by the Council.

A Building Permit shall become void unless operations are commenced within six months from date of approval, unless such time is extended by the Building Inspector.

ARTICLE 5. APPLICATION

The application for a permit shall be submitted in writing to the Building Inspector and shall include:

Section 101.

The name and address of applicant.

Section 102.

an address or a map indicating the location of the construction site,

Section 103.

a site plan showing location of existing and proposed structure(s), sewage disposal facilities, water supply, areas to be cut and filled and the lot dimensions,

Section 104.

a statement of intended use of the proposed structure(s),

Section 105.

a statement as to the type of sewage system proposed,

Section 106.

specification of dimensions of the proposed structure(s) length, width and height,

Section 107.

the elevation (in relation to ground and mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above, and

Section 108.

except for one- and two-family dwellings a copy of the plans and specifications of the proposed construction. This requirement may be modified by decision of the Building Inspector when in their opinion such information is or is not needed to determine the conformance of the proposed construction with this ordinance.
ARTICLE 6. REVIEW OF BUILDING PERMIT APPLICATION

The Building Inspector shall:

Section 101.

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 he finds the proposed building, alteration, or use of building to conform with the law and this ordinance he may at once issue the permit in writing over his signature. If he finds the proposal in any conflict with the law or this ordinance he shall fix whatever restrictions or conditions on the proposed constructions or use as may be in his best judgment, right and proper, or for reasonable cause refuse the permit.

Section 102.

All construction and development, in addition to complying with this Code, shall comply with Chapter 13A., the Town of Pittsfield Floodplain Management Ordinance.

ARTICLE 7. GENERAL BUILDING RESTRICTIONS

Section 101.

Other than one- and two-family dwellings all structures shall comply with the NFPA 5000 Building Construction and Safety Code, 2003 edition which is adopted by reference excepting and excluding chapters 1, 22 which is included below, 39, 50, 52 and 53.

Determining and insure compliance with this code for uses/structures other than one- and two-family dwellings shall be the responsibility of the owner, builder and/or Architect/Engineer.

Section 102.

102.1.1 Application.

102.1.1.1 This section shall establish life safety requirements for all one- and two-family dwellings.

102.1.1.2* One- and two-family dwellings shall be limited to buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any.

102.1.1.3 The requirements of this chapter shall apply to new buildings, or portions thereof, used as a one- or two-family dwelling.

102.1.1.4 Repairs, renovations, modifications, additions, and reconstruction of a one- or two-family dwelling, and changes of use including change of occupancy classification to a one- and two-family dwelling, shall comply with one of the following:
(1) The provisions of this chapter.

(2) The provisions of Chapter 15.

102.1.2 Multiple Occupancies.

102.1.2.1 All multiple occupancies shall be in accordance with Section 6.2 and 102.1.2.

Where there are differences in the specific requirements in this chapter and provisions for mixed occupancies or separated occupancies as specified in 6.2.3 and 6.2.4, the requirements of this chapter shall apply. (See 4.3.2.2.)

102.1.2.2 No dwelling unit of a residential occupancy shall have its sole means of egress pass through any nonresidential occupancy in the same building.

102.1.2.3 Multiple dwelling units of a residential occupancy shall be permitted to be located above a nonresidential occupancy only where one of the following conditions exists:

(1) Where the dwelling unit of the residential occupancy and exits there from are separated from the nonresidential occupancy by construction having a fire resistance rating of not less than 1 hour

(2) Where the nonresidential occupancy is protected throughout by an approved automatic sprinkler system in accordance with Section 55.3 that is electrically supervised in accordance with 55.3.2

(3) Where the nonresidential occupancy is protected by an automatic fire detection system in accordance with Section 55.2

102.1.3 Classification of Occupancy. One- and two-family dwellings shall be classified in accordance with 6.1.8.1.1.

102.1.4 Classification of Hazard of Contents. The contents of residential occupancies shall be classified as ordinary hazard in accordance with Section 6.3.

102.1.5 Minimum Construction Requirements. Construction shall be in accordance with all of the following:

(1) Reserved
(2) Chapter 8, Fire-Resistive Materials and Construction
(3) Reserved
(4) Chapter 14, Safeguards During Construction
(5) Chapter 31, Occupancies in Special Structures
(6) Chapter 35, Structural Design
(7) Chapter 36, Soils, Foundations, and Retaining Walls
(8) Chapter 37, Exterior Wall Construction
(9) Chapter 38, Roof Assemblies and Roof Structures
Chapter 40, Quality Assurance During Construction

102.1.6 Occupant Load. (No requirements.)

102.2* Means of Escape Requirements.

102.2.1 General. The provisions of Chapter 11 shall not apply to means of escape, unless specifically referenced in this chapter.

102.2.2 Number and Types of Means of Escape.

102.2.2.1 In dwellings or dwelling units of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape.

102.2.2.2 In dwellings or dwelling units of two rooms or more, every sleeping room and every living area shall have not less than one secondary means of escape, unless one of the following conditions is met:

(1) The bedroom or living area has a door leading directly to the outside of the building at or to grade level.

(2) The dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with 102.3.5.

102.2.2.3 The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

102.2.2.4* The secondary means of escape shall be as described in 102.2.2.4.1 or 102.2.2.4.2, or in 102.2.2.4.3.

102.2.2.4.1 The secondary means of escape shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of, and remote from, the primary means of escape.

102.2.2.4.2 The secondary means of escape shall be a passage through an adjacent nonlockable space, independent of and remote from the primary means of escape, to any approved means of escape.

102.2.2.4.3* The secondary means of escape shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than 5.7 ft² (0.53 m²).

(A) The width of the opening described in 102.2.2.4.3 shall be not less than 20 in. (510 mm), the height shall be not less than 24 in. (610 mm), and the bottom of the opening shall be not more than 44 in. (1120 mm) above the floor.
(B) The means of escape, as described in 102.2.2.4.3, shall be acceptable where one of the following criteria is met:

1. The window shall be within 240 in. (6100 mm) of grade.

2. The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.

3. The window or door shall open onto an exterior balcony.

4. Windows having a sill height below the adjacent ground level shall be provided with a window well meeting the following criteria:
   
   a. The window well shall have horizontal dimensions that allow the window to be fully opened.

   b. The window well shall have an accessible net clear opening of not less than 9 ft² (0.82 m²), with a length and width of not less than 36 in. (915 mm).

   c. A window well with a vertical depth of more than 44 in. (1120 mm) shall be equipped with an approved, permanently affixed ladder or with steps meeting the following criteria:

      i. The ladder or steps shall not encroach more than 6 in. (150 mm) into the required dimensions of the window well.

      ii. The ladder or steps shall not be obstructed by the window.

      iii. Ladders or steps that comply with the requirements of 102.2.2.4.3(B)(4)(c)(i) and 102.2.2.4.3(B)(4)(c)(ii) shall be exempt from the requirements of 11.2.2.

102.2.2.5 In buildings, other than those protected throughout by an approved automatic sprinkler system in accordance with 102.3.5 that is electrically supervised in accordance with 55.3.2, every story having an area greater than 2000 ft² (185 m²) within the dwelling unit shall be provided with two primary means of escape remotely located from each other.

102.2.3 Arrangement of Means of Escape. Any required path of travel in a means of escape from any room to the outside shall not pass through another room or apartment not under the immediate control of the occupant of the first room or through a bathroom or other space subject to locking.

102.2.4 Doors.

102.2.4.1 Doors in the path of travel of a means of escape, other than bathroom doors in accordance with 102.2.4.2, shall be not less than 28 in. (710 mm) wide.

102.2.4.2 Bathroom doors shall be not less than 24 in. (610 mm) wide.
102.2.4.3 Doors shall be not less than 78 in. (1980 mm) in nominal height.

102.2.4.4 Every closet door latch shall be such that the door can be opened from inside the closet.

102.2.4.5 Every bathroom door shall be designed to allow opening from the outside during an emergency when locked.

22.2.4.6 Doors shall be swinging or sliding.

102.2.4.7* All locking devices on doors in any means of escape that impede or prohibit egress, or that cannot be easily disengaged, shall be prohibited.

102.2.4.8 Floor levels at doors shall comply with 11.2.1.3.

102.2.4.9 Forces to open doors shall comply with 11.2.1.4.4.

102.2.4.10 Latching devices for doors shall comply with 11.2.1.5.4.

102.2.5 Stairs, Ramps, Guards, and Handrails.

102.2.5.1 Except as otherwise specified, stairs, ramps, guards, and handrails shall be in accordance with 11.2.2 for stairs, 11.2.5 for ramps, and 11.2.2.4 for guards and handrails.

102.2.5.1.1 The provisions of 11.2.2.5, 11.2.5.5, and 11.7.3 shall not apply.

102.2.5.1.2 If serving as a secondary means of escape, stairs complying with the fire escape requirements of Table 7.2.8.4.1(a) or Table 7.2.8.4.1(b) of NFPA 101, Life Safety Code, shall be permitted.

102.2.5.1.3 If serving as secondary means of escape, ramps complying with Table 102.2.5.1.3 shall be permitted.

Table 102.2.5.1.3 Secondary Means of Escape Ramp Criteria.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Class A</th>
<th>Class B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum width</td>
<td>44 in. (1120 mm)</td>
<td>30 in. (760 mm)</td>
</tr>
<tr>
<td>Maximum slope</td>
<td>1 in 10</td>
<td>1 in 8</td>
</tr>
<tr>
<td>Maximum height between landings</td>
<td>144 in. (3660 mm)</td>
<td>144 in. (3660 mm)</td>
</tr>
</tbody>
</table>

102.2.5.2 The clear width of stairs, landings, ramps, balconies, and porches shall be not less than 36 in. (910 mm), measured in accordance with 11.3.2.

102.2.5.3 Spiral stairs and winders in accordance with 11.2.2.3.2 and 11.2.2.4 shall be permitted within a single dwelling unit.

102.2.5.4 No sleeping rooms or living areas shall be accessible only by a ladder, a stair ladder, an alternating tread device, or folding stairs or through a trap door.
102.2.6 Hallways.

102.2.6.1 The width of hallways shall be not less than 36 in. (910 mm).

102.2.6.2 The height of hallways shall be not less than 84 in. (2135 mm) nominal, with clearance below projections from the ceiling of not less than 80 in. (2030 mm) nominal.

102.2.7 Bulkheads.

102.2.7.1 Where provided, bulkhead enclosures shall provide direct access to the basement from the exterior.

102.2.7.2 Stairways serving bulkhead enclosures, not part of the required primary means of escape, that provide access from the outside grade level to the basement shall be exempt from the provisions of 102.2.5.1 when the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 96 in. (2440 mm) and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

102.3 Protection.

102.3.1 Protection of Vertical Openings. (No requirements.)

102.3.2 (Reserved)

102.3.3 Interior Finish.

102.3.3.1 Interior finish shall be in accordance with Chapter 10.

102.3.3.2 Interior finish on walls and ceilings of occupied spaces shall be Class A, Class B, or Class C.

102.3.3.3 Interior Floor Finish.

102.3.3.1 Interior floor finish shall comply with Section 10.6.

102.3.3.2 There is no requirement for Class I or Class II interior floor finish.

102.3.3.3 Interior floor finish shall comply with 10.6.1 or 10.6.2, as applicable.

102.3.4 Detection, Alarm, and Communications Systems. Smoke alarms shall be provided in accordance with either 102.3.4.1 or 102.3.4.2.

102.3.4.1 Smoke alarms shall be installed in accordance with 55.2.2.6 in the following locations:

(1) In all sleeping rooms

(2) Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms
(3) On each level of the dwelling unit, including basements

102.3.4.2 Dwelling units shall be protected by an approved smoke detection system in accordance with Section 55.2 and equipped with an approved means of occupant notification.

102.3.5* Extinguishment Requirements.

102.3.5.1* Where modifications are permitted by this Code based on the installation of an automatic sprinkler system, such modifications shall be permitted when the automatic sprinkler system complies with 55.3.1.1(1), 55.3.1.1(2), or 55.3.1.1(3).

102.3.5.2 Where an automatic sprinkler system is provided, either for total or partial building coverage, the system shall be in accordance with 55.3.1.1(1), 55.3.1.1(2), or 55.3.1.1(3).

102.4 Separation Between Townhouses.

Each townhouse shall be considered a separate building when separated from adjoining townhouses by the use of exterior walls located on the property line as required for the type of construction, or by a single wall meeting the requirements of 102.4.1 through 102.4.6.

102.4.1 Walls used to create separate buildings shall provide not less than a 2-hour fire resistance rating.

102.4.2 Plumbing, piping, ducts, electrical, or other building services shall be installed in accordance with Section 8.8.

102.4.3 Walls shall be continuous from the foundation to the underside of the roof sheathing.

102.4.4 Roof sheathing shall be one of the following:

   (1) Noncombustible material.

   (2) Exterior grade fire retardant–treated wood.

   (3) One -in. (15.9-mm) layer of Type X gypsum wallboard attached to the underside of the roof decking for not less than a 48 in. (1220 mm) width on each side of such wall.

102.4.5 Each dwelling unit sharing walls creating separate buildings shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall, unless the conditions of 102.4.6 are met.

102.4.6 Walls creating separate buildings shall be permitted to be penetrated by roof and floor structural members, provided that the fire resistance rating and the structural integrity of the wall are maintained.

102.5 Building Services.

102.5.1 Electrical, Plumbing, heating, ventilating, and air-conditioning equipment shall comply with all applicable State Rules.
102.5.2. All heating and cooking appliances and related systems shall be installed in compliance with the applicable State rules.

102.5.3 All exterior mounted fuel storage tank installations shall provide protection to all valves, filters and piping from damage from unauthorized access and accidental contact. The installation shall also provide protection from weather.

102.6 Minimum Building area.

102.6.1 Every Dwelling unit shall have a minimum ground floor area of living area as specified by the Town of Pittsfield Zoning Ordinance, Table P.

102.7 References and Definitions

102.7.1 Bold type references shall refer to the specific standards of the NFPA 5000 Building Construction and Safety Code, 2003 Edition.

102.7.2 For this section and this Code the Definitions as found in the NFPA 5000 Building Construction and Safety Code, 2003 Edition, shall apply.

ARTICLE 8. PLUMBING

The Plumbing Inspector shall require new or replacement water supply system and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

ARTICLE 9. REGULATIONS

The Town Council may adopt any reasonable regulations, after public hearing, that are consistent with and in furtherance of the objectives of Articles 6, 7, 8 and 10 above, that they deem necessary for the proper enforcement of said articles and which are consistent with State Law.

ARTICLE 10. VARIANCES

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance under the following conditions:

Section 101.

101.1. the land in question cannot yield a reasonable return unless a variance is granted.

101.2. the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

101.3. the granting of a variance will not alter the essential character of the locality; and
the hardship is not the result of action taken by the applicant or prior owner.

ARTICLE 11. APPEALS

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of the Ordinance. Such hearings shall be held in accordance with State laws.

The Board of Appeals may not grant variances to any provision of Article 7, section 102.2. of this code. NOTE: Enforcement decisions made by the Code Enforcement Officer are not appealable to the Board of Appeals. An "enforcement decision" is any decision concerning land use activities that is in violation of the municipal ordinances and includes but is not limited to "stop work orders," notices of violation and commencement of a civil action under rule 80 K, Maine Rules of Civil Procedure.

ARTICLE 12. LEGAL ACTIONS

When any violation of any provisions of this Code shall be found to exist, the Town Council or the Building Inspector may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. This provision shall not prevent any person aggrieved by a violation of this Code from taking appropriate legal action against the violator.

ARTICLE 13. ENFORCEMENT

It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance. If the Building Inspector finds that any provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon notice from the Building Inspector are hereby authorized and directed to institute any and all actions, whether legal or equitable, necessary to the enforcement of this Ordinance. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine per Title 30A, MRSA, section 4452. Each day such a violation is continued is a separate offense.

ARTICLE 14. VALIDITY AND SEVERABILITY

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

ARTICLE 15. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulation, by-law, 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 16. EFFECTIVE DATE

The effective date of this Ordinance shall be 30 days after its adoption by the Town Council.

¹Ordinance 09-14, 09/01/09
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CHAPTER 4. CEMETERIES

ARTICLE 1. GENERAL PROVISIONS

Section 101. Cemetery Board

All the cemeteries belonging to the town shall be under the superintendence and control of a board of three citizens of Pittsfield to be known as the Cemetery Board, who shall hold office for a term of three years. One member will be appointed by the Town Council each year at the time and in the manner other subordinate town officers are or may be appointed.

Section 102. Superintendent

The Cemetery Board shall annually appoint a superintendent, or superintendents of the different burying grounds, such superintendent shall act under the direction of the Cemetery Board, and be subject to removal by the Cemetery Board.

Section 103. Duties of Superintendent

The Superintendent shall see to the digging of all graves, that they be of suitable depth, properly filled and correctly located, he shall keep an accurate record of the name of each person interred (in a book for that purpose), the range and number of the grave or tomb where such body is deposited.

Section 104. Duties of Board

It shall be the duty of the Cemetery Board to lay out forthwith, all the land or parcels of land, now owned or which may be hereinafter acquired by the town, for burial purposes, divide the same into lots and ranges of sufficient size, with avenues sufficient for the passage of vehicles, and the Board is hereby authorized to place a valuation upon each lot of 324 square feet or whatever size new aisles design, to inhabitants of said town. They may also lay out a suitable portion of said land for the burial of destitute persons.

Section 105. Purchase of Cemetery Lot

The town grants the right to any resident to purchase one lot in the cemetery for burial purposes, subject to all such general regulations as have been or may be adopted by the town or under its authority.

Section 106. Application for Lot and Deed

Any resident of the town making application to the Superintendent, for a cemetery lot may make a selection in those parts of the cemetery currently assigned for sale for burial purposes and have the same under regulations as the Cemetery Board may prescribe, and a certificate setting forth the range number and valuation of the lot selected, signed by the Superintendent, and approved by the majority of the Board, shall be given to the applicant by the Superintendent. Upon presentation forthwith of said certificate to the Town Treasurer and payment of the sum named, said Treasurer shall issue to said applicant a deed, signed by said Treasurer of the following form:
Know all men by these presents that the Inhabitants of Pittsfield, in the State of Maine, in consideration of ________________ dollars paid by ____________________________ hereby give and grant to said ____________________ or his heirs, the right to occupy for the purpose of burial Lot No. ____________ Range __________ in the cemetery in the Town of Pittsfield, the right is to be granted and is to be enjoyed subject to all such regulations as have been or may be, adopted by the Inhabitants of said Pittsfield or under its authority for the management and care of said cemetery.

In witness thereof this instrument is subscribed by the Treasurer in behalf of said Inhabitants of Pittsfield, this _________ day of ____________, 20___.

Section 107. Lots Now Occupied

Any person having relations buried in any cemetery in said town may apply for and receive such a deed executed as provided in Section 105, for the lot now occupied by such relation upon due proof of relationship to be granted under the same authority and without any payment other than the expense of the deed, and such deed to be granted only in the discretion of the Cemetery Board, and two or more may jointly make such application and have such deed granted.

Section 108. Record of Lots

It shall be the duty of the Superintendents to keep record of all lots selected and assigned and all transfer of lots in all their different cemeteries. They shall each have plans of the cemetery of which they are Superintendent and of the section thereof, which shall be accessible to any person interested, desiring information relating thereto, and they shall enter upon said plans, all lots selected and the names of the holders thereof.

Section 109. Cemetery Fund

The town Treasurer shall keep an account denominated Cemetery Income Fund, in which shall be entered all money received from lots sold, stating from whom received, which fund shall not be subject to the requirements of the town other than for cemetery purposes, but shall be appropriated exclusively to the improvement and/or the ornamentation of the cemeteries in which the lots sold is located. The Treasurer shall submit annually said account to the Town Council.

Section 110. Permission to Transfer

No transfer of lots shall be made without permission of the Cemetery Board of Trustees and when permitted it shall appear upon the record of the Superintendent. The sale of lots to non-residents can be made only by special permission of the Board, and a sum of money, based on current fees, must be deposited with the Town Treasurer to be deposited for the perpetual care of each lot so purchased.

Section 111. Perpetual Care

No deed shall be given for a lot in the Cemetery unless sufficient payment is made for perpetual care.
Section 112. Report

The Cemetery Board shall annually, on or before the last day of the year, make a full and complete report to the Town Council of all money received from every source and the expenditure of the same.

Section 113. Equipment

No equipment owned by the Town of Pittsfield and under the jurisdiction of the Trustees of the Pittsfield Village Cemeteries may be used by any other department of the municipality at any time for any reason.

Section 114. Fees

The Cemetery Board shall have the authority to fix any and all fees indicated herein. The Town Council shall be advised of fee schedule changes within 30 days. By order, the Town Council shall have the right to direct either increases or decreases in its sole discretion.

ARTICLE 2. TRUST FUNDS FOR THE CARE OF BURIAL LOTS

Section 201. General

Any person or persons, owning or having interest in any burial lot, or tomb, in any cemetery owned or controlled by the town, shall have the same perpetually cared for and preserved as well as may be under the provisions of the ordinance.

Section 202. Procedure

Such persons shall pay or cause to be paid, to the Treasurer, any sum based on current fees, in consideration of which payment the town shall become bound to expend thereon in the care and adornment of such lot or tomb. Such person may donate any sum, not less than $500.00 (five hundred dollars), which shall be invested in bonds or other securities, as he/she may designate, the income of which shall be collected and paid by the town Treasurer to the Cemetery Board, to be expended by them in the care of such lots as the donor may designate or in the general improvement of such cemetery as he/she may designate. Such persons may give with such sum of money, written instructions as to the manner of expending the annual proceeds, which shall be substantially binding upon the town authorities, subject to all general regulations and to the exercise of reasonable directions. These directions shall be recorded in a book to be kept for that purpose by the Cemetery Board or their successors. Any such record shall be accessible at all times to persons interested therein. All expenditures under the provisions of the ordinance shall be made under the direction of the Cemetery Board or their successors, and the account shall be kept under their direction with each lot or tomb, by crediting the same with the annual sum with which the town is liable on its account and charge the sums expended thereon. They may gradually reserve from the annual income of each lot or tomb, reasonable sums from extraordinary repairs.

Section 203. Record of Lots

The town Treasurer, upon receipt of any such payment or amount to be invested as contemplated by this ordinance, shall enter the same and the disposition thereof, in a book to be kept for that purpose, giving
the name of the party, the amount paid and designation of the lots for the care of which the payment is made. A transcript of this record shall also be entered by the Cemetery Board in the book to be kept by them as provided in Section 202. of this Article.

Section 204. Receipt

In return for the receipt of such payment or amount to be invested the town Treasurer shall give the party a receipt thereof in which will be stated all the essential facts of such payment or amount to be invested.

Section 205. Cemetery Account

The Treasurer shall keep in his book, an account to be designated Cemetery Account, Perpetual Care of Lots. To which he shall credit when proper, the gross annual liability of the town an account of payments made by this ordinance, or the gross annual income received from such annual liability shall form a part of the regular annual appropriation in the same manner as interest on town debt.

Section 206. Payment by Treasurer

The Treasurer shall pay out and charge to said account all sums required by the Cemetery Board in carrying out the provisions of this ordinance. In auditing the annual accounts of the town, comparison shall be made of the balance shown by this account with the sum total of the balance shown by the books of the Cemetery Board to the credit of all lots.

ARTICLE 3. RULES AND REGULATIONS COVERING CEMETERIES

Section 301. Cost of Lot and Grading

Section 301.1

The price of lots containing 324 square feet shall be based upon current fees, with half lots and quarter lots reduced in price proportionately.

Section 301.2

Grading of all lots must conform to that of all others in the same range or section and must be done under the direction of the Superintendent.

Section 301.3

Current Fees will be charged for preparing a grave for burial, with an additional charge for any decorating requested of the Superintendent.

Section 301.4

At the direction of the Cemetery Board, specified areas of new lots for sale may require that all interments must be so done in either cement, steel, or copper burial vaults, or cement liner type containers. Where this rule is in force, cemetery deeds will so indicate.
Section 302. Rubbish and Litter

It shall be unlawful for any person to place, deposit or leave any rubbish, material, refuse, junk or litter in any area within the boundaries of the cemeteries except in those areas or receptacles so designated for that purpose.

Section 303. Flowers, Shrubs, Trees, Ornaments and Miscellaneous Decorative Items

Section 303.1

All persons are prohibited from picking flowers, breaking or injuring any tree or shrub or in any way defacing anything within the grounds.

Section 303.2

The planting of trees or shrubs shall be done under the direction of the Superintendent.

Section 303.3

If any tree or shrub situated on any lot becomes unsightly or detrimental to adjacent lots, the same shall be removed under the direction of the Superintendent, on approval of the Cemetery Board and after 10 days notice by the most appropriate means of such removal given to the owner of such lot should such owner be determined.

Section 303.4

No glass or other breakable containers shall be used at any time.

Section 303.5

Plants, flowers, shrubs or any other item planted in the ground are done so at the owner's risk. The Cemetery Board assumes no responsibility for any in-ground plants, flowers, shrubs or other items.

Section 303.6

The number of memorial pieces placed on any given lot shall not exceed 3 except during the period 2 days prior to and 5 days subsequent to Mother's Day, Father's Day, Memorial Day and appropriate birthday holidays. This prohibition applies to any and all categories of memorial pieces, whether natural or artificial and in any combination.

Section 303.7

Any memorial decorations shall be placed only in front and in back of a central monument or at each end or immediately in back of the individual grave marker, except in the case of floral arrangements for funerals. All such decorations and arrangements shall be removable.
Section 303.8

The Cemetery Board shall, in its sole discretion, remove any or all memorial decorations when in the interest of the beautification of the cemeteries in all events by May 1 of each year. The Cemetery Board shall be held fault free.

Section 303.9

The Cemetery Board, the Superintendent, or any employees of the Cemetery Board shall have no responsibility for damages to or loss of any vases, water containers, non-attached urns, planters or any other type containers, and any decorations.

Section 304. Regulations of Motorized Vehicles

Section 304.1

The following motorized vehicles shall not be operated within the boundaries of any cemetery at any time:

a. Trucks over 3/4 ton registration.
b. Campers and trailers of all types, whether motorized or towed.
c. Motorcycles, motor-powered bicycles and trail bikes.

Section 304.2

Vault trucks and gravel or loan trucks, cement trucks and crane or wrecker trucks may enter the cemeteries when under contract with the Cemetery Board or while conducting legitimate cemetery business with the permission of the Superintendent.

Section 304.3

Any other motorized vehicles shall operate within the boundaries of the cemeteries in a safe and prudent manner.

Section 304.4

The speed limit of such motorized vehicles within the boundaries of the cemeteries under the jurisdiction of the Cemetery Board shall not exceed 10 miles per hour.

Section 305. Work Limitations

Section 305.1

No person, firm or corporation shall hereafter do or have work done or construct or install any curbing, foundation work or cement work, in any of the cemeteries in this Town unless a permit for same is obtained from the Cemetery Board, and all work thereafter done shall be under the direction or done by the Cemetery Board.
Section 305.2

No work shall be commenced on any Saturday that cannot be finished that day and all dirt and debris must be removed before 6:00 PM.

Section 305.3

At no time shall anything of an unsightly nature be left on any avenue or lot any longer than is absolutely necessary.

Section 306. Monuments and Gravestones

Section 306.1

All monuments and gravestones must have a suitable foundation.

Section 306.2

No monument or gravestone shall be set unless it has been approved by the Cemetery Board or the Superintendent.

Section 307. Damage to Cemetery

Any person causing damage to roadways, lawn aprons, embankments to lots, curbings, corner posts, line markers, gravestones, monuments, ornaments, decorations or other items located in or part of any cemetery under the jurisdiction of the Cemetery Board shall be liable for the cost of repair or replacement of same or any combination of either and the penalties applicable to this chapter.

Section 308. Other Applicable Laws

The rules and regulations contained in this Chapter are subject to the provisions of the statutes of the State of Maine and any rules and regulations promulgated thereunder.

Section 309. Penalty

Any person violating the rules, regulations, terms or conditions of this Chapter shall be penalized by a fine of not more than one hundred dollars ($100) nor less than ten dollars ($10). Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense.
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CHAPTER 5. TRANSFER STATION

ARTICLE 1. DEFINITIONS

For the purpose of this ordinance, the following terms shall have the meanings ascribed to them in this section.

Section 101. Town Manager

Town Manager is the municipal officer who has final responsibility for administration of the solid waste facility.

Section 102. Ashes

Ashes shall mean residue of the combustion of solid fuels.

Section 103. Carrion

Carrion shall mean animals, birds, and other living creatures that died naturally or have been accidentally killed. Animals or parts of animals from slaughter houses are not included in this category.

Section 104. Department

Department shall mean the Department of Public Works of the Town of Pittsfield.

Section 105. Equipment, Solid Waste

Solid waste equipment means any equipment including building on site used for solid waste storage, compaction, transfer, covering, grading, and other operational activities.

Section 106. Garbage

Garbage means all putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food in any private dwelling, multiple dwelling, hotel, restaurant, building, or institution.

Section 107. Hazardous Wastes

Hazardous waste means a substance designated as hazardous by the Department of Environmental Protection in accordance with 06-096 CMK 850 et reg.

Section 108. Hot Load

Any loads of solid waste that are on fire, smoldering or are potentially flammable by spontaneous combustion. Hot loads include wood stove ashes, cigarette tray residue, coal ash and clinkers, residue from a fire, etc.
Section 109. Inert Fill

Inert fill means clean soil material, including soil from road ditching and sand from winter sand cleanup; rock; bricks; crushed clean glass or porcelain; and cured concrete; that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

Section 110. Junk

Junk means old, worn-out, or unserviceable plumbing or heating supplies, household appliances and furniture, scrap, scrap copper, brass, rope, rags, batteries, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material or parts thereof.

Section 111. Landfill, Sanitary

Sanitary landfill means a disposal facility for solid waste on land designed to protect the environment.

Section 112. Land-clearing Debris

Land-clearing Debris means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

Section 113. Litter

Litter means any wastes as defined by the Maine State Litter Law that have collected or scattered in an unplanned manner in any location other than the area designated for appropriate handling. For this definition litter shall include manure.

Section 114. Municipal Solid Waste

Municipal solid waste means solid waste emanating from household and normal commercial sources. Municipal solid waste includes front end process residue from the processing of municipal solid waste.

Section 115. Refuse

Refuse shall mean mixed garbage and rubbish placed and stored together in a standard refuse container.

Section 116. Resource Recovery

Resource recovery means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

Section 117. Rubbish

Rubbish means waxed or foreign (yellow or grey) cardboard; plastic (except that designated for recycling); waste paper, dirty rags, sweepings, small pieces of wood; household wastes or those office wastes from business or industry. It shall not include ashes, bulk refuse, carrion, hazardous waste, industrial waste, or building waste resulting from the operations of a contractor. Rubbish means waxed or foreign (yellow or
grey) cardboard; plastic (except that designated as #2 HDPE); waste paper, rags, sweepings, small pieces of wood; household wastes or those office wastes from business or industry. It shall not include ashes, bulk refuse, carrion, hazardous waste, industrial waste, or building waste resulting from the operations of a contractor.

**Section 118. Salvaging**

 Salvaging is the controlled removal of reusable discarded solid waste.

**Section 119. Septage**

 Septage means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools, or any other similar facility.

**Section 120. Solid Waste Facilities**

 Means all facilities owned by the Town used to collect, transport or dispose solid waste, to include the transfer station facility, sanitary landfills, solid waste equipment, etc.

**Section 121. Solid Waste Management**

 Solid waste management means purposeful, systematic, and unified control of the collection, storage, transportation, processing, salvaging, and disposal of solid waste.

**Section 122. Solid Wastes**

 Solid waste means unwanted or discarded solid materials with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, junk, refuse, inert household wastes, material, landscape refuse, wood wastes, white goods, but shall not include sludge, septage, hazardous wastes, agricultural or industrial wood byproducts.

**Section 123. Special Wastes**

 Special waste means any solid waste generated by sources other than household and typical commercial establishments that exist in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

(1) Ash;
(2) Industrial and industrial process waste;
(3) Sludge and dewatered septage;
(4) Debris from nonhazardous chemical spills and cleanup of those spills;
(5) Contaminated soils and dredge materials;
(6) Asbestos and asbestos-containing waste;
(7) Sand blast grit and non-liquid waste;
(8) High and low pH waste;
(9) Spent filter media residue; and
(10) Shredder residue

Section 124. Storage

Storage means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such wastes.

Section 125. Sludges

Sludges mean the concentration of solids resulting from the treatment of liquid wastes such as sewage, industrial wastes, commercial wastes, etc.

Section 126. Tires

Tires mean a solid waste consisting of any used, scrap, or otherwise discarded rubberized vehicle tires, including whole tires as well as the products derived from the processing of whole tires, including but not limited to shredded or chipped tires or crumb rubber.

Section 127. Transfer Station Facility

Transfer station facility means a facility constructed and managed to store, dispose and/or process and place solid wastes in containers for transport to disposal facilities.

Section 128. Transfer Station Attendant

The Transfer Station Attendant has the responsibility to properly operate and maintain Transfer Station facilities. His direct supervisor is the Public Works Department Director, and he works under that department.

Section 129. Transport

Transport means movement of solid waste from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

Section 130. Vector

Vector means a carrier, usually an insect, bird or rodent that is capable of transmitting a pathogen from one organism to another or from one place to another.

Section 131. White Goods

White goods means large appliances including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.

Section 132. Wood Wastes

“Wood wastes” means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash,
sawdust and wood from production rejects, that are not mixed with other solid or liquid waste. For the purposes of this definition, “lumber” is entirely made of wood and is free from metal, plastics and coatings.

Section 133. Biomedical Waste

Biomedical Waste means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or may contain cytotoxic chemicals used in medical treatment.

ARTICLE 2. TRANSFER STATION HOURS, USAGE AND FEES

The Pittsfield Municipal Transfer Station hours will be set by Order of the Pittsfield Town Council.

The Transfer Station is open only to residents of the Town of Pittsfield, Maine, and all vehicles entering the Transfer Station shall display a current Transfer Station sticker.

Co-mingling of rubbish from other towns is prohibited. Any resident or business that co-mingles non-Pittsfield rubbish shall be prohibited from use of the Transfer Station for one year. Any commercial solid waste hauler who co-mingles non-Pittsfield rubbish shall automatically forfeit his or her license in accordance with Article 12.

The user fees for a community sending its recyclables to the Town for processing shall be adopted by order of the Town Council during January of each year.

The Town may charge user fees in conjunction with all of its programs and operations. The types and amounts of fees charged shall be adopted by order of the Town Council.

ARTICLE 2A. COMMERCIAL HAULING DIRECT TO TOWN'S DISPOSAL SITE

Commercial solid waste haulers may haul directly to the Town’s designated disposal site with approval of the Town and are obligated to separate their loads so that no material from any other town is charged against the Town of Pittsfield’s account. Any commercial solid waste hauler who co-mingles non-Pittsfield rubbish with Pittsfield rubbish shall automatically forfeit his or her license in accordance with Article 12. To haul directly to the Town’s designated disposal site, the commercial solid waste hauler must obtain prior written approval from the Transfer Station attendant after the Town inspects the load. If the load is found to contain material from another town or recyclables, written authorization will not be provided.

ARTICLE 3. SOLID WASTE USAGE

The Transfer Station's attendant shall direct, assist, and supervise all disposition of solid waste for the public. All rubbish shall not include any recyclables. Placed in the two compactor hoppers will be garbage; waste paper; plastic (except that designated for recycling); waxed or foreign (yellowish or grey) cardboard, and other rubbish. Placed in designated areas on the site for resource recovery shall
be the following recyclables:

**Corrugated Cardboard Category:** Corrugated cardboard; paperboard; dry food cardboard packaging such as cereal and cracker packaging; brown paper bags; milk boxes; and juice containers.

**Newspaper Category:** Flyers; magazines; catalogues; telephone books.

**Mixed Paper Category for all non-white paper:** Colored office paper; manila folders; coated (slick) paper; post-it-notes; window envelopes; colored bond paper; construction paper; colored copy paper; index cards; lined paper; legal pad paper; NCR paper; paper with printing/writing; and fax paper.

**White Paper Category:** Computer paper with blue or green lines.

**Glass Bottles and Jars Category:** Clear, brown, and green.

**Metal Cans Category:** Aluminum Cans and Tin Cans; Other aluminum containers (aluminum foil; aluminum pie plates; salad containers and cake containers).

**Plastics Category:** #2 HDPE plastic containers, #1 PETE plastic, (All #1 and #2 plastics will be recycled. If there is no number, it is not recyclable).

**Plastic Bags Category:** All plastic bags with a #2 printed on them.

**Compost Pile** for leaves and grass clippings.

**Universal Waste Category:** Mercury containing devices, i.e., flourescent lamps, thermometers, mercury switches shall be recycled under the Universal Waste and Mercury Reduction Law passed by the Environmental Protection Agency and as designated in Maine Rule (06-096 CMR 850 et. Reg.). Electronics, i.e., computer monitors, CPUs, keyboards, mouses, microwaves, TVs, VCRs, and any other electronics containing circuit boards. Disposal of any of the above mentioned recyclable materials shall be strictly prohibited.

1/2/3 At the white goods storage area, all doors of refrigerators/freezers and mercury switches shall be removed prior to acceptance at the Transfer Station. No appliances containing capacitors or fluorescent light fixtures containing ballasts, without exception, will be accepted unless all capacitors or ballasts, whether they contain PCBs or not, have been removed and, together with the appliance(s) or fluorescent light fixtures, have been presented to the Transfer Station Attendant for inspection prior to being disposed of in the following manner: All capacitors labeled as containing no PCBs may be disposed of in the compactors. All capacitors unlabeled or labeled as containing PCBs shall be treated as hazardous waste and deposited in EPA acceptable containers provided by the Town. All appliances and fluorescent light fixtures shall be inspected by the Transfer Station Attendant to verify the removal or nonexistence of any or all capacitors or ballasts, and may then be deposited in the white goods area or container. It shall be the responsibility of the party wishing to dispose of any appliance to free the motor housing of each appliance of any covers, thus permitting the Transfer Station Attendant to have an unimpeded view of the area where capacitors are commonly found. Similarly any party wishing to dispose of fluorescent light fixtures shall expose the location of any ballasts which have been removed to facilitate the Transfer Station Attendant's inspection of those fixtures. Tires must have the rims removed prior to disposal on the tire pile. The Transfer Station Attendant shall verify that all rims have been removed from tires before disposal. All ashes shall be deposited separately and safely away from any flammable or combustible material as designated by the Transfer Station Attendant. Any hot loads entering the site shall be segregated to the designated area. In the case of an emergency, the Pittsfield Fire Department shall be summoned immediately.

**ARTICLE 3A. MANDATORY RECYCLING**

1/2/3 In order to reduce the cost of solid waste disposal in a safe, prudent, and environmentally friendly manner, all persons, businesses, governmental entities, non-profit institutions and organizations, industries, corporations, partnerships, and entities of any form or nature whatsoever who/which generate municipal solid waste [MSW] within the Town of Pittsfield shall participate in a resource recovery program and recycle. **Corrugated Cardboard Category:** Corrugated cardboard; paperboard; dry food cardboard packaging such as cereal and cracker packaging; brown paper bags;
milk boxes; and juice containers. **Newspaper Category:** flyers; magazines; catalogues; telephone books. **Mixed Paper Category for all non-white paper:** Colored office paper; manila folders; coated (slick) paper; post-it-notes; window envelopes; colored bond paper; construction paper; colored copy paper; index cards; lined paper; legal pad paper; NCR paper; paper with printing/writing; and fax paper. **White Paper Category:** computer paper with blue or green lines. **Glass Bottles and Jars Category:** clear, brown and green. **Metal Cans Category:** Aluminum Cans and Tin Cans; Other aluminum containers (aluminum foil; aluminum pie plates; salad containers and cake containers). **Plastics Category:** #2 HDPE plastic containers, #1 PETE plastic, (All #1 and #2 plastics will be recycled. If there is no number, it is not recyclable). **Plastic Bags Category:** All plastic bags with a #2 printed on them. **Compost Pile** for leaves and grass clippings. **Universal Waste Category:** Mercury containing devices, i.e., flourescent lamps, thermometers, mercury switches shall be recycled under the Universal Waste and Mercury Reduction Law passed by the Environmental Protection Agency and as regulated in Maine Rule (06-096 CMR 850 et reg.). Electronics, i.e., computer monitors, CPUs, keyboards, mouses, microwaves, TVs, VCRs, and any other electronics containing circuit boards.

Section 3A01. Administration

2 From time to time, but not less than once every two [2] years, and after diligent review of the Town’s then current solid waste disposal costs and issues, recycling options and opportunities under projected market conditions, the Town of Pittsfield’s Recycling Committee, as established under Chapter 2. Administrative Code, Division 3., Section 1400, the Town’s Recycling Coordinator, and its Town Manager shall recommend to the Town Council a list of “recyclable materials” for resource recovery, said list to specify what materials it recommends to be separated and recycled from the waste stream. Upon the Town Council’s approval of the list, Article 3A. of the Pittsfield Town Code shall be amended by Ordinance, if necessary, and any additions to, or deletions from, the “recyclable materials” list shall be publicized and be made available to the public to the greatest extent possible, within reason. Subsequent to the effective date of the Ordinance, all persons or entities (as listed in Article 3A.) shall thereafter separate any additional “recyclable materials,” or may cease to separate any deleted “recyclable materials,” from other MSW and shall recycle the materials in accordance with the procedures recommended by the Recycling Committee, Recycling Coordinator, and Town Manager based upon efficiency, costs, and citizen convenience.

Section 3A02. Penalties to Generator For Non-Compliance

1 Any person or entity (as listed in Article 3A.) who fails to recycle in accordance with these provisions, after a single documented warning, shall have his/her/its privilege to receive solid waste disposal services at the Town’s Transfer Station suspended, or shall be temporarily refused solid waste pick up services from any duly licensed commercial solid waste hauler entitled to operate within the Town of Pittsfield.

1 Any person convicted of a violation of this Section shall be subject to a fine of not less than $20 or more than $100 for each occurrence.

1 Any commercial solid waste hauler who/which, either as an individual or through an employee, fails to enforce compliance with the provisions of this Article by any customer whatsoever, after a written warning for the first offense, will be penalized by a progressive denial of access to the Town of Pittsfield’s Transfer Station as follows: 2nd offense within twenty-four (24) consecutive months: One
(1) week denial of use and payment of a monetary fine of not less than $50.00; and 3\textsuperscript{rd} offense within twenty-four (24) consecutive months: two (2) weeks denial of use and payment of a monetary fine of not less than $100.00.

\textsuperscript{1}Upon conviction of a 4\textsuperscript{th} offense within a period of twenty-four (24) consecutive months, the commercial waste hauler’s privilege to access the Pittsfield Transfer Station for any purpose shall be revoked for no less than one (1) year in accordance with Article 12.

\textsuperscript{1}The Regulations promulgated in this Section shall be enforced by the Pittsfield Police Department.

Section 3A03. Validity and Severability

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

Section 3A04. Conflicts With Other Provisions

Whenever the requirements of this Article are inconsistent with the requirements of any other Statute, Ordinance, Code, or Rule, the more restrictive requirements shall apply.

Section 3A05. Depositing of Household or Commercial Rubbish or Refuse Prohibited

Section 3A05.1 Definition

Litter shall mean and include any man-made or man-used waste which, if deposited within the Town other than in a rubbish barrel or litter receptacle, would tend to create a danger to public health, safety, and welfare or to impair the environment of the citizens of the community. Litter may include, but is not limited to, any small amounts of food waste, trash, refuse, chewing gum, newspaper pages or inserts, flyers, or bits of metal, glass, plastic or paper.

Section 3A05.2 Prohibition

It shall be unlawful for any person, firm, corporation or other entity, in person or by his/her/its agent or employee, to dispose of or deposit in any manner any non-recyclable household or commercial refuse or rubbish within or upon any public way; upon private property; in any rubbish barrel or litter receptacle located at any public place within the Town of Pittsfield; in any municipally-owned compartmentalized recycling container; by other than those for whose use the dumpster is provided, in any commercial dumpster placed at a specific business, industry, organization, or apartment building location for the purpose of rubbish or refuse collection by that entity or its tenants; or at any other location within the Town of Pittsfield except at the Pittsfield Transfer Station during posted hours, or in bags and/or containers awaiting pick up by a commercial waste hauler or awaiting transport by the generator himself/herself/itself. This prohibition does not extend to the normal and legitimate use of a rubbish barrel or litter receptacle for its designed purpose in the prevention of littering for disposal, of such items as candy bar wrappers, empty snack bags, nonreturnable beverage containers, napkins, tissues, paper plates, paper or plastic cups or lids, cigarette packages and wrappers, match folders, and incidental metal, glass, plastic or paper products disposal.

Section 3A05.3 Enforcement
Regulations promulgated in this Section shall be enforced by the Pittsfield Police Department, with the assistance of personnel from the Public Works Department, the Code Enforcement Officer, or Recycling Coordinator as may, from time to time, be necessary.

**Section 3A05.4 Penalty**

Any person, firm, corporation or other entity violating any provision of this Section shall be fined not less than two hundred and fifty dollars ($250), nor more than five hundred dollars ($500) for the first conviction of said violation. For any subsequent conviction of a violation under this Section, the fine shall not be less than five hundred dollars ($500). A separate offense shall be deemed committed, after notification to the offender or his/her/its employee, his agent, or representative, by a law enforcement officer, on each day during or on which a violation occurs or continues.

**ARTICLE 4. INSPECTION**

The Transfer Station Attendant reserves the right to inspect all solid waste, or any containers entering that facility. The refusal of any individual, upon being requested, to allow the Transfer Station Attendant to inspect any vehicle or solid waste entering the facility will result in a violation of this Ordinance and shall be punishable in accordance with this Ordinance.

**ARTICLE 5. OPERATION**

The Public Works Department for the Town of Pittsfield shall be responsible for the day to day operation, budgeting, and maintenance of the solid waste facility. It shall be the duty of the Public Works Department's Transfer Station Attendant to strictly enforce this Ordinance and to see that any and all violations are promptly abated and violators prosecuted.

**ARTICLE 6. UNACCEPTABLE ITEMS**

The following solid waste shall be considered unacceptable for disposal in the Town of Pittsfield's solid waste facility.

**Section 601.**

3Asbestos: Friable insulation material, but can take other forms. Can be combined with other materials to sometimes make non-friable siding, flooring, or other products. If suspect to be or contain friable asbestos, contact Department of Environmental Protection asbestos abatement program personnel at telephone number 207-287-2651. Avoid inhalation of particles.

**Section 602.**

3Bio-medical Wastes: May be red bag waste from hospitals, laboratories, clinics, nursing homes and occasionally doctor’s offices. Includes blood, body parts, disposable instruments, linens and other soiled items. Keep people away, follow hazardous waste procedures, including notifying the appropriate responder whether a qualified fire department or the Department of Environmental Protection (DEP). If accidentally contacted, disinfect contact area with 1:3 bleach to water solution.

**Section 603.**

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Calcium Hypochlorite: Used for disinfecting swimming pools but is reactive when wet. Can release chlorine gas and cause fire when wetted. Treat as hazardous; prevent wetting or contact with moisture; if wetted, evacuate area. Keep away from petroleum and other organic materials.

Section 604.

Electrical Capacitors and Transformers: May be removed from white goods and other electrical equipment by individuals, scrap metal firms, or firms which work on appliances or motors. Avoid skin contact and breathing exposure; follow hazardous waste procedure.

Section 605.

Industrial Chemicals: Generally, liquid in five gallon or large pails or drums of either plastic or steel. Occasionally lined cardboard barrels are used. Also some solids, especially flakes or granular materials, can cause excessive corrosion or be reactive with liquids. Solids may be in any form of container including loose. Avoid skin contact and breathing exposure; treat as hazardous.

Section 606.

Laboratory Chemicals: Usually in smaller containers of one pint to one gallon, glass or plastic bottles. Can be severe irritants, highly toxic or explosive. Avoid skin contact and breathing exposure; do not open or jar containers. Treat as hazardous.

Section 607.

Sandblast Grit: Generally fine sand or garnet mixed with paint, brick and/or masonry chips. Avoid breathing; handle as special waste.

Section 608.

Waste Oil: Includes used motor oils, hydraulic fluid, and other lubrication oils from individuals, farm operations, and vehicle and heavy equipment repair firms. Avoid skin contact; treat as special waste.

ARTICLE 7. PRIVATE DISPOSAL SITES

It shall be unlawful for any person, firm, or corporation to dispose of solid waste at any location within the corporate limits of the Town of Pittsfield, Maine other than at the Town-owned solid waste facilities unless a permit is secured from the Town administration. Permits will be issued only to persons, firms, or corporations who have satisfactorily met all Federal, State, and local laws and regulations. Permits may be revoked by the Town Council when deemed necessary to ensure the general public health and welfare.

ARTICLE 8. PENALTIES

Any person(s), firms, or corporations who violate any of the provisions of this ordinance shall be
deemed guilty of a misdemeanor, and upon conviction shall be fined no less than fifty ($50) dollars nor more than five hundred ($500) dollars for each offense, and each day's continuance or failure to comply herewith shall constitute a separate and distinct offense for each of said days and shall be punishable as such. This section shall be enforced by the Pittsfield Police Department.

**ARTICLE 9. TOWN COUNCIL AUTHORIZED TO MAKE REGULATIONS**

The Town Council shall be authorized to make regulations pertaining to the establishment of public dumping, grounds and sanitary landfills and the maintenance, supervision, and policing of the same.

**ARTICLE 10. SOLID WASTE COLLECTOR’S LICENSE**

Solid Waste Collector’s License required. See Chapter 2A. Business Licenses and Permits.

**ARTICLE 11. AREA OF COLLECTION**

No person, partnership, corporation, or other legal entity including holders of commercial garbage collector's licenses shall deposit or cause to be deposited any ashes, carrion, garbage, household wastes, inert material, junk, landscape refuse, refuse, rubbish, solid, or special waste at the Pittsfield Transfer Station unless said materials originate and have been collected within the corporate boundaries of the Town of Pittsfield.

**ARTICLE 12. SUSPENSION AND REVOCATION**

The Town Council is hereby given the authority to suspend or revoke any license issued under this ordinance for failure or refusal to comply with the provisions of this ordinance or any State or Federal law. However, no license may be revoked unless the licensee has received notice and has had an opportunity to be heard.

**ARTICLE 13. NOTIFICATION**

Any owner, agent or occupant upon whose premises any unlawful accumulation of refuse, waste, or rubbish may be found shall within 24 hours after receiving written notification thereof from the Chief of Police cause the same to be removed and the nuisance abated in a manner satisfactory to the Health Officer and the Chief of Police.

**ARTICLE 14. DUTIES OF CHIEF OF POLICE**

The Town Manager shall notify the Chief of Police of the location of every public dump, and it shall be the duty of the Chief to cause the abatement or removal of every fill, deposit, or accumulation made or permitted in violation of this ordinance.

**ARTICLE 15. SEVERABILITY**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

**ARTICLE 16.**
This ordinance shall be in full force and effect from the date of its passage and supersedes all former ordinances governing solid waste disposal within the corporate limits of Pittsfield, Maine.

1 Ordinance 02-12, 06/04/02

2 Ordinance 04-22, 10/05/04

3 Ordinance 05-21, 10/04/05
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CHAPTER 6. OFFENSES - MISCELLANEOUS

ARTICLE 1. LITTER CONTROL

It shall be unlawful for any person to operate any vehicle on any street or highway or alley of the town in such a manner that material, rubbish, refuse, junk or litter of any kind drips, sifts, leaks, drops, or otherwise escapes therefrom upon any street, highway or alley.

ARTICLE 2. MUNICIPAL AIRPORT

Section 201. Operation of Vehicles on Runway

It shall be unlawful for any person or persons to operate any vehicle other than aircraft upon the runways of the Municipal Airport. This ordinance shall not apply to ambulances, fire equipment or any vehicle required in case of emergency or maintenance.

Section 202. Depositing Litter on Runway

It shall be unlawful for any person or persons to throw, cause to be thrown, deposit or leave on the runways of the airport or lands adjacent thereto, any bottles, broken glass, refuse, tin cans or other scrap of any kind.

ARTICLE 3. PARADE PERMIT

It shall be unlawful for any person to parade or march on a public way within the Town limits without first obtaining a permit from the Town Manager. Such permit shall be issued only after written recommendations by the Police Chief. The Council shall promulgate the standards for issuing permits. An appeal may be made to the Council at the next regular Council meeting following the denial of such permit.

ARTICLE 4. BICYCLE RIDING

Section 401.

It shall be unlawful for any person to operate or use a bicycle propelled by muscular power, inline skates, skateboards, or roller skates upon any sidewalk located on Main Street from railroad tracks to the north side of Park Street and on Park Street from the intersection of Park Street and Main Street west to Middle Street.

Section 402.

It shall be unlawful for any person to ride or propel a bicycle, or use inline skates, roller skates, or skateboards upon any sidewalk not located on Main Street from the railroad tracks to the north side of Park Street and on Park Street from the intersection of Park Street and Main Street west to Middle Street in such a manner as to interfere with any pedestrian thereon.
ARTICLE 5. SIDEWALK TRAFFIC

It shall be unlawful for any person to drive any motor vehicle, motorized snow vehicle, carriage, horse, or to drive or lead any cow upon or over any sidewalk, or foot path by the side of any street except for the purpose of crossing such sidewalk or foot path as nearly as may be at right angles and in order to go into or out of an adjoining yard or enclosure.

ARTICLE 6. CURFEW

Section 601.

It shall be unlawful for any child under the age of eighteen years to stand, walk, wander or stroll about the streets of the town after 10:00 PM, unless accompanied by parent or other guardian having legal authority or control of such minor.

Section 602.

Any policeman, constable, or peace officer shall be hereby authorized to detain or charge any child under the age of eighteen years violating any of the curfew provisions of Chapter 6, Article 6, Section 601. Such parents or guardian shall be subject to the penalty provisions contained in Article 9A of Section 9A02.2.

ARTICLE 7. DOGS

Section 701. Definitions

(a) “Dog” shall be intended to mean both male and female dogs.

(b) “Owner” shall be intended to mean any person or persons, firm, association or corporation, owning, keeping, harboring or in possession of, or having the control of, a dog.

“Owner” shall also be intended to mean and include when used in this ordinance the parents or guardian of a minor who owns, keeps or has in his possession a dog.

(c) “At Large” shall be intended to mean off the premises of the dog’s owner, and not under the control and restraint of the dog’s owner, or a member of his immediate family, either by leash, cord, chain, “at heel” or under command.

Section 702. Running at Large

No owner or person having custody of any dog shall cause or permit any dog owned or kept by him, or in his possession or under his control, to run at large within the Town. A dog, while in or on any public way or place, except as hereinafter provided, shall be under restraint, within the meaning of this ordinance, if it is controlled by a leash, cord, chain or “at heel,” or under the control of a person and obedient to that person's commands, or on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the...
leashing or restraint of any dog while on its owner's or keeper's premises, or in or on any premises used or occupied as a dwelling house. A leash, cord, or chain shall not be more than eight (8) feet long.

Any dog found running at large in violation of this section may be impounded by any duly authorized police officer, constable or dog officer and transported to the Animal Shelter. The owner or keeper of any dog so impounded may claim the dog, providing it is properly licensed, upon payment to the Town of Pittsfield an impounding fee of $35.00 for the first offense; $50.00 for the second offense; and $75.00 for the third offense in any one calendar year, in addition to such boarding fees as may be due and payable. The Town of Pittsfield shall issue to the owner or keeper of the dog a receipt for the impound fee upon payment. Such receipt will need to be shown to the Animal Shelter before the animal will be released. Boarding fees are to be paid directly to the Animal Shelter by the owner before the Animal Shelter will release the animal to the owner. Any dog unclaimed within six (6) days of the date of impounding shall become the property of the Animal Shelter and may be disposed of in a suitable manner.

Any dog held by the Town of Pittsfield while searching for the owner or keeper, and the owner or keeper is located prior to transportation of the animal to the Animal Shelter, shall be subject to a temporary custody fee of $35.00 for the first offence; $50.00 for the second offense; and $75.00 for the third offence in any one calendar year, and any actual costs for food and veterinary care. The temporary custody fee shall be payable to the Town of Pittsfield. The Town of Pittsfield, its employees and contractors shall be authorized to take custody of stray dogs for a temporary period of time to not exceed forty-eight (48) hours.

Section 703. Noise, Disturbances Prohibited; Complaint, Notice to Abate, Penalty

No owner or person having custody of any dog kept within the legal limits of the Town shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking or making other loud or unusual noises.

Upon written complaint, the Chief of Police or any duly authorized police officer, constable or dog officer shall investigate such complaints and may give written notice to the owner or keeper of such dog(s) that such annoyance or disturbance must cease. Failure to comply with any such written order may result in the impounding of such dog(s) in accordance with paragraph 2 of Section 702. Additionally, such owner or keeper may be subject to the penalty provisions of Article 12 of Chapter 6.

Section 704. Animal Waste

It is a violation of this section for any person who owns, possesses or controls a dog or other animal(s) to fail to properly remove and dispose of any feces left by his or her animal(s) on public or private land within the Town of Pittsfield.

Exception: If the person who owns, possesses, or controls a dog or other animal(s) and it/they are on real property owned, rented, leased, or otherwise under possession of that individual.

Section 705. Penalties
For the first offense of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than $25.00. In determining the amount to be forfeited, the court shall consider any evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. The penalty shall be $50.00 for the second offense and no less than $75.00 for the third and any subsequent offenses. All penalties awarded, and all sums recovered, shall accrue to benefit the Town of Pittsfield. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay any applicable court costs.

ARTICLE 7A. STRAY CATS

Section 7A01. Definition of a Stray Cat

For the purpose of this Article, a “stray cat” means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

Section 7A02. Seizure of Stray Cats

An animal control officer or any duly authorized police officer acting in that capacity may seize a stray cat and deliver it to an animal shelter or to the owner, if the owner is known. If ownership can not be established, such a cat may be handled as a stray cat for the purposes of acceptance and disposition by an animal shelter.

Section 7A03. Procedure for Acceptance/Disposition of Stray Cats by Animal Shelter

An animal shelter to which a cat is taken may accept the cat unless the shelter is in quarantine and it shall comply with the provisions of this section. An animal shelter that accepts a cat with cat identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours.

The animal shelter shall release the cat to the owner or keeper upon payment to the Town of Pittsfield of an impound fee of $35.00 for the first offense; $50.00 for the second offense; and $75.00 for the third offense in any one calendar year. Any actual fees incurred for food, shelter and veterinary care are due and payable directly to the Animal Shelter. Any cat unclaimed within six (6) days of the date of impounding shall become the property of the animal shelter and may be disposed of in a suitable manner.

Any cat held by the Town of Pittsfield while searching for the owner or keeper, and the owner or keeper is located prior to transportation of the animal to the Animal Shelter, shall be subject to a temporary custody fee of $35.00 for the first offence; $50.00 for the second offense; and $75.00 for the third offence in any one calendar year. The temporary custody fee shall be payable to the Town of Pittsfield. If the Town incurs any fees for food and veterinary care, these fees shall also be paid directly to the Town of Pittsfield prior to release of the animal. The Town of Pittsfield, its employees and contractors shall be authorized to take custody of stray cats for a temporary period of time to not exceed forty-eight (48) hours.
ARTICLE 8. DISCHARGE OF FIREARMS

Section 801.

It shall be unlawful for a person to discharge or cause to be discharged any rifle, shotgun, pistol, revolver or other firearm on that land or premises belonging to and used by the Town as a Transfer Station.

Section 802.

It shall be unlawful for a person to discharge or cause to be discharged any rifle, shotgun, pistol, revolver, or other firearm in an area zoned as residential, commercial, or industrial, or within the limits of the Pittsfield Airport.

Section 803.

The provisions of Sections 801. and 802. of Article 8 shall not apply to the use by Maine Central Institute of its shooting range for meets and practices.

ARTICLE 9. LOAFING

Section 901.

It shall be unlawful for any person to loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereupon and thereto.

ARTICLE 9A. NOISE AND PUBLIC CONDUCT

The Town of Pittsfield has determined, by virtue of complaints by its citizens to the Police Department and to the Town Council and by complaints from downtown merchants and other communications, that certain conduct being undertaken, particularly within the so-called “Pittsfield Urban Area Boundary,” (hereinafter defined in Section 9A03., is preventing persons residing within these areas from fully enjoying their property and having a reasonable degree of quiet, particularly during night time hours.

The Council also determines that in order to protect residents and visitors to the Town from being threatened, accosted, and/or verbally assaulted upon the Town streets and in public places within the
“Pittsfield Urban Area Boundary” (hereinafter defined), it is necessary to implement and adopt an ordinance to prevent undesirable and unwanted activities and actions as above described from taking place within the Town.

The Council further finds that to protect the ability for downtown Pittsfield merchants and public service facilities to attract customers and maintain a non-threatening environment within the downtown it is necessary to adopt reasonable regulations as herein provided.

The Town Council further finds that existing State laws and regulations presently in effect do not fully and adequately address the difficulties sought to be addressed herein and experienced within the Town of Pittsfield. The prosecution of such cases is sometimes due to financial or time constraints or other factors or policies, not sufficiently vigorous or timely so as to meaningfully deal with the problems experienced by the Town of Pittsfield.

Accordingly, exercising the powers conferred upon the Town of Pittsfield by Maine Statute and by the Maine Constitution and all other powers held by the Town of Pittsfield, the Town of Pittsfield does hereby ordain and adopt the following ordinance, which shall hereinafter be referred to as the “Public Noise and Conduct Ordinance,” as follows, to wit:

Section 9A01. Prohibited Conduct and Acts

The following acts undertaken within the Town of Pittsfield are hereby declared to be in violation of this Ordinance, to wit:

Section 9A01.1

Yelling, shouting, hooting, whistling, and singing between the hours of 9:00 PM and 7:00 AM of the following morning, so as to annoy or disturb the quiet, comfort or repose of any persons located within or upon the premises of any dwelling, hotel, or other type of residence or business establishment.

Section 9A01.2

The playing, using or operating of any radio, receiving set, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, comfort or repose of any other persons in the vicinity with a volume louder than is necessary for the reasonably convenient hearing for the person or persons or voluntary listeners thereto who are in the immediate vicinity, vehicle or chamber in which such machine or device is operated, between the hours of 9:00 PM and 7:00 AM the following morning within the areas hereinafter set forth.

Section 9A01.3

The sounding of any horn or signaling device for an unnecessary or unreasonable length of time or for a purpose not associated with the proper and legitimate signaling activity undertaken in conjunction with the operation of a motor vehicle.

Section 9A01.4.
The following activities shall be considered as exempt from this Ordinance: 1) Noise being generated from a legitimate activity conducted for the entertainment of the general public; 2) all authorized school events; and 3) all events conducted by the Town or permitted by the Town.

Section 9A02. Enforcement Procedure

Section 9A02.1.

Any violation of this Ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Pittsfield Police Department in the same form and in the same manner of prosecution as would be the case with a parking violation. Actions shall be prosecuted by the Town of Pittsfield Attorney in the Somerset County District Court located in Skowhegan.

Section 9A02.2.

For any first violation of this Ordinance, there shall be imposed a civil fine or penalty in the amount of not less than Fifty Dollars ($50) and not more than One Hundred Dollars ($100). Each subsequent violation within a two year period from date of first violation shall carry with it a minimum civil fine or penalty which shall increase for each subsequent conviction within said period by the amount of Fifty Dollars ($50) to a maximum of Two Hundred Fifty Dollars ($250) for a violation within said two year period.

Section 9A02.3.

In addition to the civil penalties, for any violation hereof, the Court shall require the violator to pay the Town's reasonable attorney's fees incurred in connection with the enforcement action plus the violator shall be ordered to pay the Town's costs and filing fees reasonably incurred in the prosecution of this Ordinance.

Section 9A03.

Section 9A01., herein, shall apply to the area within the so designated “Pittsfield Urban Area Boundary,” so-called, as set forth on the attached map of the Town of Pittsfield.

Section 9A04.

If any provision herein shall be held to be illegal, it is the intent that all remaining provisions shall remain in full force and effect.

ARTICLE 10. DRUG PARAPHERNALIA

Section 1001. Definitions

(a) The term “drug paraphernalia” for purposes of this article means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling
or otherwise introducing into the human body a scheduled drug in violation of 17A MRSA, Section 1101, at seq., it includes, but 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 scheduled drug or from which a scheduled drug can be derived;

(2) Kits used or intended for use, or designed for use in manufacturing, compounding, producing, or processing, or preparing scheduled drugs;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a scheduled drug;

(4) Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of scheduled drugs;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring the scheduled drugs;

(6) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, lactose, used, intended for use, or designed for use in the cutting of scheduled drugs;

(7) Separation gins and filters, used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices, used, intended for use or designed for use in compounding scheduled drugs;

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of scheduled drugs;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing scheduled drugs;

(11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting scheduled drugs into the human body; and

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, 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, any permanent screens, hashish heads or punctured metal bowls;

   (b) Water pipes;

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(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette which 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; or

(m) Ice pipes or chillers.

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

(1) Statements by an owner or anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any scheduled drug;

(3) The proximity in time and space, to a direct violation of 17A MRSA, Section 1101 et seq.; known to the person in possession of such object.

(4) The proximity of the object to scheduled drugs; known to the person in possession of such object.

(5) The existence of any residue of scheduled drugs on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate violation of 17A MRSA, Section 1101 et. seq.; the innocence of an owner, or of anyone in control of the object, as to a direct violation of 17A MSA, Section 1101 et seq., shall not prevent a finding that the object is intended for use or designed for use as a drug paraphernalia;
(7) Instructions, oral or written, provided 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) Whether the owner, or anyone in control of the object is a legitimate supplier of the like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community;

(14) Expert testimony concerning its use.

Section 1002. Offenses

(a) 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 scheduled drug in violation of 17A MSA, Section 1101 et. seq.

(b) 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, package, repackage, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a scheduled drug in violation of 17A MRSA, Section 1101 et. seq.

(c) Any person eighteen (18) years of age or over who violates subsection (b) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a separate offense.

(d) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertising, 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.

Section 1003. Penalties

(a) If any person violates any provision of this article, he shall be liable for a fine of up to five hundred dollars ($500). Each instance of conduct violating any provision of Section 1002. shall constitute a separate offense.
(b) Any drug paraphernalia possessed in violation of this article is declared to be contraband and may be seized and confiscated by the Town of Pittsfield, but in the case of stock in trade confiscation shall only occur after notice to the owner of the business and a hearing as to the merits of the confiscation.

**Section 1004. Severability**

If any provision of this article, or application thereof, to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the article which can be given effect without the invalid provision or application and, to this end, the provisions of this article are severable.
ARTICLE 11. JUNKED MOTOR VEHICLES OR OTHER PROPERTY

The Town of Pittsfield shall follow the procedures of the then-current State Law for Junkyards and Automobile Graveyards as stated in Title 30-A MRSA.

ARTICLE 12. GENERAL PENALTY

Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the first violation of any such provision of this Code or any ordinance there shall be imposed a civil fine or penalty in the amount of not less than Fifty Dollars ($50) and not more than One Hundred Dollars ($100). Each subsequent violation within a two year period from date of first violation shall carry with it a minimum civil fine or penalty which shall increase for each subsequent conviction within said period by the amount of Fifty Dollars ($50) to a maximum of Two Hundred Fifty Dollars ($250) for a violation within said two year period. Each day any violation of any provision of this Code or of any ordinance shall constitute a separate offense.

ARTICLE 13. BRIDGE/CULVERT SAFETY

No person shall jump, slide, or dive from any bridge or structure extending across the Sebasticook River within the boundaries of the Town of Pittsfield. Violators of this Article shall be subject to the penalties set forth in Article 12.

ARTICLE 14. MANSON PARK SPEED LIMIT

Section 1401.

A speed limit not to exceed 15 M.P.H. shall be maintained at Manson Park for all vehicles.

ARTICLE 15. RULES GOVERNING MANSON PARK

1. Manson Park shall be closed to all motor vehicles except law enforcement vehicles between one-half hour after sunset and one-half hour before sunrise, except by special permission of the Parks and Recreation Committee.

2. No person shall operate any vehicle in any part of the park except on roadways established for such vehicular traffic or in areas specifically designated for parking. A permit to drive or park in other areas of the park may be given by the Committee under certain conditions.

3. Vehicular use of the park is restricted and limited to automobiles, trucks and trailers, bicycles, and to snowmobiles provided they are operated within designated snowmobile trails as posted by local, regional, or State-wide snowmobile organizations, with the concurrence of the Parks and Recreation Committee.

4. No person shall ride or lead a horse into or upon lawns or other prohibited areas of the park.
5. No person owning or being custodian of any animal, livestock, or poultry shall cause or permit same to go at large in the park. A dog may be brought into the park provided that such dog is continuously restrained by a leash not exceeding 6 feet in length, except that no dog or other such animal shall be permitted in the immediate vicinity of the bathhouses, wading pools, and children's play areas, or other areas designated by signs as prohibited areas.

6. No person shall enter the park in an intoxicated condition, nor shall any person have in his possession, drink, or use in the park any alcoholic beverage.

7. No person shall have in his possession or use in the park any type of illegal drug or drug paraphernalia.

8. No person shall have in his possession, bring into, or use in the park, whether carried concealed or open, any firearms, slingshots, firecrackers, torpedoes, fireworks, B.B. guns, or other missile-propelling instruments or explosives, or arrows (except as allowed in a designated archery area), or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property.

9. No person shall throw, cast, lay, deposit, or propel any missile except in the performance of an authorized recreational activity.

10. No person shall throw, cast, catch, kick, play with, or strike any game ball, or engage in any sport game or competition, except in places designated for such purpose; nor shall a person engage in or play a game or sport or contest of a nature different from the one for which the designated area was created, except in such areas as are officially set aside for diversified games.

11. No person shall use threatening, abusive, insulting, profane, or obscene language or words in the park.

12. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property; or pluck, pull up, cut, take, or remove any shrub, bush, plant or flower; or mark, or write upon any building, monument, fence, bench, or other structure in the park. Any person or persons violating any part of this rule is liable for cost of damage; in case of minors, parents shall be held liable.

13. No person shall, within the park, molest, frighten, injure, kill, remove, or have in his possession any wild animal, bird, bird's nest, or squirrel's nest, or remove the young of any such animal or the eggs or young of any such bird.

14. No person shall throw, cast, lay, drop, or discharge into or leave in any body of water in the park, or in any storm sewer or drain flowing into said waters, or in any gutter, sewer, or basin, any substance, matter, or thing whatsoever.

15. No person shall deposit, drop, or leave any papers, bottles, debris, or other waste matter or refuse of any kind in the park, or part thereof, except in such receptacles as may be provided for that
purpose. Any person or persons violating this rule shall be subject to a fine as provided by the State Law on litter.

16. No person shall disturb the peace in the park by any act.

17. No fires shall be set in any area of the park except in areas where fires are designated as permitted, or except as authorized by permit issued under the authority of the Parks & Recreation Committee.

18. No person shall enter a comfort station or toilet set apart for the use of the opposite sex, nor shall any person loiter in or near any comfort station or toilet at any time.

19. No person shall solicit money, subscriptions, alms, or contributions for any purpose in the park unless authorized by the Park Committee.

20. No person shall advertise in the park in any manner whatsoever or for any reason whatsoever, except by permit.

21. No person shall hold a circus or professional carnival in the park.

22. There shall be no golfing at any time.

23. Whenever any group, association, or organization desires to use the park facilities for a particular purpose between one-half hour after sunset and one-half hour before sunrise, such as for picnics, parties, or theatrical or entertainment performances, or for preparation therefor, a representative of said group, association, or organization shall first obtain a permit from the Parks and Recreation Committee. The Committee may adopt an application form to be used for such situations.

24. No person shall in the park disobey a proper order of a Police Officer or any park employee designated by the Committee or Town Manager to give orders, nor shall any person in the park disobey, disregard, or fail to comply with any rule or regulation, warning, prohibition, instruction or direction posted or displayed by sign, notice, bulletin, card, or poster, or when notified or informed as to its existence by a park employee or other authorized person.

25. Any person or persons violating the above rules shall be subject to a fine of not less than twenty dollars ($20) and not more than ($100).

3ARTICLE 16. FIRE HYDRANTS

Section 1601. Obstruction of Fire Hydrants

No person except one duly authorized shall remove the cap from any water hydrant in the Town for other than fire suppression purposes. No person shall interfere with, meddle with, or obstruct within a 5 ft. radius, partially or wholly cover with snow or any other substance, or in any way manner change or deface any hydrant or decrease its immediate fully effective availability for use. This provision does not apply to damage caused by a bonafide vehicle accident.
Section 1602. Enforcement Procedure

Section 1602.1

Any violation of this Ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Pittsfield Police Department in the same form and in the same manner of prosecution as would be the case with a parking violation. Actions shall be prosecuted by the Town of Pittsfield Attorney in the Somerset County District Court located in Skowhegan.

Section 1602.2

For any first violation of this Ordinance, there shall be imposed a civil fine or penalty in the amount of not less than Fifty Dollars ($50.00) and not more than One Hundred Dollars ($100.00). Each subsequent violation within a two year period from date of first violation shall carry with it a minimum civil fine or penalty which shall increase for each subsequent conviction within said period by the amount of Fifty Dollars ($50.00) to a maximum of Two Hundred Fifty Dollars ($250.00) for a violation within said two year period.

Section 1602.3

In addition to the civil penalties, for any violation hereof, the Court shall require the violator to pay the Town’s reasonable attorney’s fees incurred in connection with the enforcement action plus the violator shall be ordered to pay the Town’s costs and filing fees reasonably incurred in the prosecution of this Ordinance.

ARTICLE 17. ESTABLISHMENT AND ENFORCEMENT OF DESIGNATED SAFE ZONE AREAS

Section 1701. Purpose

The purpose of this Article is to establish safe zone areas i.e., athletic fields, parks, playgrounds or recreational facilities, within the Town of Pittsfield which are frequented by minors for the purpose of protecting them against individuals trafficking, furnishing or cultivating drugs within designated safe zones.

Section 1702. Authority

Safe Zone Areas are enacted pursuant to 30-A M.R.S.A. ss 3253 and 17A M.R.S.A. 1101 sub-ss 23.

Section 1703. Applicability

This Article shall apply to areas designated as safe zones within the Town of Pittsfield. Safe zone areas encompass a 1,000’ buffer around designated athletic fields, parks, playgrounds or recreational facilities, as measured from the property line of the safe zone.
Section 1704. Signage

Safe Zone informational signage shall utilize uniform language as established by the Commissioner of Public Safety.

Section 1705. Designated Areas

Areas designated as safe zones with 1,000' buffers are as follows:

1. Fendler Park
2. Hathorn Park
3. Manson Park
4. Pinnacle Park (also known as The Pinnacle)
5. Remembrance Park
6. Snowmobile/ATV Trail along former Maine Central Railroad Tracks
7. Stein Park
8. Veterans' Park

Section 1706. Enforcement and Amendments

If a person is found trafficking, furnishing or cultivating drugs within a Safe Zone, he or she may be found guilty of an aggravated offense and subjected to increased penalties.

Section 1707. Effective Date and Amendment

This Article shall become effective 30 days from the date of adoption by the Town Council.

1 Ordinance 03-36, 1/6/2004
2 Ordinance 02-20, 9/17/02
3 Ordinance 02-39, 1/07/03
4 Ordinance 06-45, 10/03/06
5 Ordinance 09-12, 09/01/09
6 Ordinance 10-03, 02/16/2010
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CHAPTER 7. TRAFFIC ORDINANCE

ARTICLE 1. MAINE DEPARTMENT OF TRANSPORTATION - PITTSFIELD ROADS

Section 101. Madawaska Avenue (S.A. #6)

**45 MPH** starting at the Pittsfield/Palmyra town line and extending Southerly to a point opposite CMP Pole #39/39 and/or to a point 0.60 mile North of the junction of Madawaska Avenue (S.A. #6) and US Route 11 & State Route 100 (Main Street), a total distance of 0.75 mile.

**35 MPH** starting at a point 0.75 mile South of the Palmyra/Pittsfield town line and/or at a point opposite CMP Pole #1/39/39 and extending Southerly to the junction of Route 100, a total distance of 0.60 mile.

Section 102. Somerset Avenue (S.A. #8 & S.H. #36)

**25 MPH** starting at the junction of Somerset Avenue and Main Street and extending Westerly to a point opposite Bell Atlantic #7/22, a total distance of 0.70 mile.

**30 MPH** starting at a point 0.70 mile West of the junction of Main Street and Somerset Avenue and/or at a point opposite Bell Atlantic Pole #2/22 and extending Westerly to a point opposite NET Pole #37-40 and/or to a point 30’ West of I-95 South bound ramp.

**45 MPH** starting at a point West of I-95 South bound on ramp and opposite NET Pole #37-40 on Somerset Avenue and extending Westerly and Northerly to the junction of Higgins Road and US Route 2, a total distance of 5.10 miles.

Section 103. Waverly Street (S.A. #9)

**30 MPH** starting at the junction of Hartland Avenue (Rt. 152) and extending Easterly to the junction of North Main Street (S.A. #6), a total distance of 0.50 mile.

Section 104. Peltoma Avenue (I.R. #483)

**25 MPH** starting at the junction of Peltoma Avenue and Route 100 and extending Easterly to the junction of Harrison Street, a total distance of 0.40 mile.

**35 MPH** starting at the junction of Harrison Street Easterly for a distance of .83 miles.

**45 MPH** starting at a point .83 miles Easterly of the junction of Harrison Street and extending Easterly to the Detroit Town line, a total distance of 1.77 miles.
Section 105. Industrial Park Road

40 MPH starting at the junction of Stinson Street and extending Westerly and Northerly to the junction of Somerset Avenue, a total distance of 0.80 mile.

Section 106. Sibley Pond Road

30 MPH starting at the junction of Route 2 in Pittsfield and extending Northerly to its termination, a total distance of 1.30 miles.

Section 107. Mount Road

40 MPH starting at the junction of Route 11 and extending Easterly to the Pittsfield/Burnham town line, a total distance of 0.68 mile.

Section 108. Route 100 - Fairfield to Pittsfield

40 MPH starting at a point opposite CMP Pole #72/2/18 in Clinton and extending Northerly to a point opposite CMP Pole #86/32 located at the top of the hill Northerly of Clinton, a total distance of 0.40 mile.

50 MPH starting at a point opposite CMP Pole #86/32 in Clinton and extending Northerly to a point opposite CMP Pole #13 located just Southerly of Burnham Village, a total distance of 4.50 miles.

35 MPH starting at a point opposite CMP Pole #13 and extending Northerly to a point opposite CMP Pole #287/6 in Burnham, a total distance of 0.50 mile.

50 MPH starting at a point opposite CMP Pole #287/6 in Burnham and extending Northerly to a point opposite NET&T Pole #6/39 in Pittsfield located just Southerly of George's Diner, a total distance of 6.10 miles.

40 MPH starting at a point opposite NET&T Pole #6/39 in Pittsfield and extending Northerly to a point opposite NET&T Pole #S/25 in Pittsfield, a total distance of 0.40 mile.

Section 109. Route 100 - Pittsfield to Palmyra

25 MPH starting at a point opposite NET&T Pole #S/25 and extending through Pittsfield Village to the junction of Livingston Street (Node 6109), a total distance of 1.15 miles.

40 MPH starting at the junction of Livingston Street (Node 6109) and extending Northerly to the junction of Leighton Street (Node 6110), a total distance of 0.40 mile.

50 MPH starting at the junction of Leighton Street (Node 6110) in Pittsfield and extending Northerly to a point opposite NET&T Pole #22 in Palmyra, a total distance of
5.05 miles.

**45 MPH** starting at a point opposite NET&T Pole #22 in Palmyra and extending Northerly to the Southern end of the Interstate 95 Overpass in Palmyra, a total distance of 0.30 mile.

**35 MPH** starting at the Southern end of the Interstate 95 Overpass in Palmyra and extending to the junction of Routes 100 and 2 in Newport.

**Section 110. Berry Road (I.R. #0475)**

**30 MPH** starting at the intersection of Webb Road and Berry Road and extending Southerly to the end of the road, a total distance of 0.7 miles.

**Section 111. Pooler Road**

**35 MPH** for the entire road, a total distance of 1.3 miles.

**ARTICLE 2. THROUGHWAY, STOP AND YIELD DESIGNATION**

The Municipal Officers are hereby authorized and directed to place stop signs at such intersections as they shall deem proper for the protection and control of traffic; and every vehicle before passing such stop sign and entering such intersection shall come to a full stop, unless otherwise directed by a traffic officer stationed at such intersection.

**Section 201. Throughways**

a. Stinson Street from the junction of US Route 11 & State Route 100 (Main Street) to the junction of US Route 11 & State Route 100 (Main Street). All traffic on intersecting ways to STOP for traffic on Stinson Street.

b. Franklin Street from the junction of Franklin Street and US Route 11 & State Route 100 (Main Street) to the junction of Franklin Street and Cianchette Street. All traffic on intersection ways to STOP for traffic on Franklin Street.

c. Nichols Street from the junction of US Route 11 & State Route 100 (Main Street) to the junction of Peltoma Avenue. All traffic on intersecting ways to STOP for traffic on Nichols Street.

d. Library Street from the junction of Stinson Street to the junction of Library Street and US Route 11 & State Route 100 (Main Street). All traffic on intersecting ways to STOP for traffic on Library Street.

e. West Street from the intersection of West Street and Highland Street East to the junction of West Street and Central Street. All traffic on intersecting ways to STOP for traffic on West Street.
f. Highland Street from the junction of Highland Street and Somerset Avenue (S.A. 1) to the Southerly terminus of Highland Street. All traffic on intersecting ways to STOP for traffic on Highland Street.

g. Greeley Street from the junction of Greeley Street and Somerset Avenue (S.A. 1) to the Southerly terminus of Greeley Street. All traffic on intersecting ways to STOP for traffic on Greeley Street.

h. School Street from the junction of School Street and Somerset Avenue (S.A. 1) to the junction of School Street and State Route 152 (Hartland Avenue). All traffic on intersecting ways to STOP for traffic on School Street.

i. Elm Street from the intersection of Elm Street and Somerset Avenue (S.A. 1) to the Northerly terminus of Elm Street. All traffic on intersecting ways to STOP for traffic on Elm Street.

j. Sebasticook Street from the junction of Sebasticook Street and State Route 152 (Hartland Avenue) to the junction of Sebasticook Street and US Route 11 & State Route 100 (Main Street). All traffic on intersecting ways to STOP for traffic on Sebasticook Street.

k. Bates Street from the junction of State Route 152 (Hartland Avenue) to the junction of Bates Street and Sebasticook Street. All traffic on intersecting ways to STOP for traffic on Bates Street.

l. Fourth Street and Harriet Street from the junction of Fourth Street and Waverly Street to the junction of Harriet Street and N. Main Street (S.A. 6). All traffic on intersecting ways to STOP for traffic on Fourth Street and Harriet Street.

m. Lincoln Street from the junction of Lincoln Street and Detroit Street to the end of Lincoln Street and Detroit Street. All traffic on intersecting ways to STOP for traffic on Lincoln Street.

n. Detroit Street from the junction of Detroit Street and US Route 11 & State Route 100 (Main Street) to the junction of Detroit Street and State Route 69 (Hunnewell Avenue). All traffic on intersecting ways to STOP for traffic on Detroit Street.

o. Central Street from the junction of Central Street and US Route 11 & State Route 100 (Main Street) to the junction of Central Street and Somerset Avenue. All traffic on intersecting ways to STOP for traffic on Central Street.

p. Dobson Street from the junction of Dobson Street and State Route 69 (Hunnewell Avenue) to the junction of Dobson Street and Detroit Street. All traffic on intersecting ways to STOP for traffic on Dobson Street.

q. Hamilton Terrace from the junction of Hamilton Terrace and State Route 152 (Hartland
Avenue) to the Southerly junction of Hamilton Terrace and Birchwood Terrace. All traffic on intersecting ways to STOP for traffic on Hamilton Terrace.

r. Birchwood Terrace from the junction of Birchwood Terrace and Somerset Avenue (S.H. 36) to the Northerly junction of Birchwood Terrace and Hamilton Terrace. All traffic on intersecting ways to STOP for traffic on Birchwood Terrace.

Section 202. Stop Intersections

a. Junction of West Street and Central Street, all traffic on West Street to STOP before entering the intersection.

b. Junction of West Street and Greeley Street, all traffic on West Street to STOP before entering the intersection

c. Junction of Morrill Street and George Street, all traffic on Morrill Street to STOP before entering the intersection.

d. Junction of Morrill Street and School Street, all traffic on Morrill Street to STOP before entering the intersection

e. Junction of Cianchette Street and Chester Street, all traffic on Cianchette Street to STOP before entering the intersection.

f. Junction of Easy Street and N. Lancey Street, all traffic on N. Lancey Street to STOP before entering the intersection.

g. 2-way stop. Junction of Crosby Street and Lancey Street, all traffic on Lancey Street to STOP before entering the intersection.

h. Junction of the Powers Road and the Pooler Road: all traffic on the Pooler Road to STOP before entering the intersection.

i. 2-Way Stop. Junction of Nichols and Lancey Street, traffic on Lancey Street to STOP before entering the intersection.

Section 203. Penalty

The penalty for violation of Article 2 shall be the imposition of a fine not less than $25.00 and not more than $50.00 and any Court having jurisdiction may be used for prosecution of any person, firm, or corporation charged with a violation.

ARTICLE 3. PARKING

All vehicles shall stop, stand or park only on the right hand side of the street, and as closely as practicable to the edge of the road or side of the road, and parallel with the side of the street
except in prohibited areas.

ARTICLE 4. OBSTRUCTION OF VEHICLES

No person, except in case of an emergency, when ordered by an authorized officer to do so or employees of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator, shall stop, stand or park any vehicle in such a manner as to obstruct or impede the passage of other vehicles.

ARTICLE 5. PROHIBITED ACTIONS

No person shall stop, stand or park any vehicle in any of the following places:

a. On any sidewalk except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

b. In front of any public or private driveway except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

c. Within ten feet of a fire hydrant except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

d. Upon any crosswalk so designated by appropriate signs or markings except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

e. Within twenty feet of any crosswalk designated by appropriate signs or markings except on Main Street except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

f. Within twenty feet of any street intersection except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

g. On either side of the street within seventy-five feet of the entrance to any fire station when properly marked with “No Parking” signs except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

h. On the roadway side of any other vehicle which is stopped or parked at the curb at the edge of the street and commonly called double parking except in the case of the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator activities.

i. Within the confines of any street or Municipal parking lots in the built up portion of the
Town of Pittsfield as designed by law between the hours of twelve o'clock midnight and
six o'clock the following morning during the months of November, December, January,
February and March, except in the case of emergency. Any person charged with a
violation of this section may waive all court action by payment of five dollars ($5) to the
Police Department within five (5) days of the offence. This is for the first offence only.
Thereafter, the fine for any such violation shall be as stated in this chapter under Article 9
and the vehicle shall be towed, at the owners expense, and shall include the fine.

j. To remain backed up to the curb except when actually loading or unloading and then only
   for a reasonable time.

k. No person shall park any vehicle at the curb extending the entire length and at the rear of
   the Main Street business establishments except for the purpose of loading goods (this area
designated as Connors Street).

ARTICLE 6. RESTRICTED AREAS

Section 601. Waverly Street

No motor vehicle shall be parked on the Southerly side of Waverly Street between Waverly
Bridge and a point 410 feet Easterly thereof; nor shall any motor vehicle be parked or stop on
Waverly Bridge; and no parking within 50 feet of Waverly Bridge abutments on Easterly side
and within 480 feet of Waverly Bridge abutments on Westerly side.

Section 602. Peltoma Avenue

It shall be unlawful for any vehicle to park on either side of Peltoma Avenue from Main Street to
Harrison Street.

Section 603. Main Street

It shall be unlawful for any vehicle to park on the West side of Main Street from Library Street to
Libby Street.

Section 604. Hunnewell Avenue

It shall be unlawful for any vehicle to park on the South side of Hunnewell Avenue from Main
Street to North Lancey Street.

Section 605. Stinson Avenue Parking

It shall be unlawful for any vehicle to park on the Southwesterly side of Stinson Avenue.

Except for Sundays and holidays, it shall be unlawful for any vehicle to park on the Northeasterly
side of Stinson Avenue.
Section 606. Route 2/Sibley Pond Road

It shall be unlawful for any vehicle to park on the Northerly side of Route 2 between the Sibley Pond Road and a point two hundred feet (200') Easterly thereof.

It shall be unlawful for any vehicle to park on the Easterly side of the Sibley Pond Road between Route 2 and a point three hundred feet (300') Northerly thereof, or on the Westerly side of Sibley Pond Road between Route 2 and a point one hundred feet (100') Northerly thereof.

Section 607. Library Street Parking

It shall be unlawful for any vehicle to park on either side of Library Street between the hours of 9:30 PM and 6:30 AM.

Section 608. Lincoln Street Parking

It shall be unlawful for any vehicle to park or stop on the Northwesterly side of Lincoln Street for a distance of thirty-three feet (33') from its intersection with the Detroit Avenue right-of-way (to existing curbing), and from a point one hundred-twenty feet (120') from its intersection with the Detroit Avenue right-of-way to a point one hundred-seventy feet (170') from that same intersection.

Section 609. Central Street Parking

It shall be unlawful for any vehicle to park on either side of Central Street from Main Street Westerly to Middle Street (unless parking is necessary for business related functions).

Section 610. Somerset Avenue & Connors Street

It shall be unlawful for any vehicle to park on the Southerly side of Somerset Avenue, so called, between Middle Street, so called, and Main Street, so called. In addition, it shall be unlawful to park in the access way on Connors Street, the Easterly side of the Pittsfield Municipal Building at any time (except one space for handicapped parking, as marked).

Section 611. Fire Department Parking

It shall be unlawful for any vehicle to be parked in any of four spaces located at the Southwesterly corner of the Pittsfield Municipal Building as appropriately designated by pavement markings or other suitable device as being reserved for vehicles owned by Pittsfield Fire Department personnel only.

Section 612. Handicapped Parking/Spaces

Handicapped parking shall be limited to those individuals qualifying for handicapped status having vehicles so marked and the area designated as Handicapped Parking by appropriate marking. All others shall be fined an amount not to exceed $100.00 and/or removed at owner's
Handicapped parking spaces are established as follows and shall be clearly marked by appropriate signs: One space on the Westerly side of Main Street between Somerset Avenue and Central Street; one space immediately Easterly of the Pittsfield Historical Society Depot; two spaces on the Easterly side of Middle Street, one immediately Southerly of the Elks Lodge and one immediately Northerly of the Elks Lodge; one space on the Southerly side of Somerset Avenue immediately Westerly of its intersection with Middle Street; one space in the Municipal Parking Lot opposite the Town Office located at 112 Somerset Avenue on the Northerly side of Somerset Avenue; one space in the Municipal Parking Lot on the Westerly side of Connors Street across from the brick walkway between Connors Street and Main Street; one space on the East side of Central Street on the Northerly side of the storage building on the South end of the Hawthorn Park parking lots; one at the Westerly entrance (handicap accessible entrance) to the Library on the Southerly side of Library Street; and two on the Northerly side of the Paul Bertrand Community Pool Building off from the Easterly side of Lancey Street and Southwest corner of Manson Park. Also see Section 615 for additional handicapped parking information.

It shall be unlawful for any vehicle to be parked in a parking space clearly marked as a handicapped parking space unless that vehicle bears a special registration plate or a placard issued under Title 29, Section 252, 252-A, or 252-C of the Maine Revised Statutes Annotated (MRSA), or a similar plate issued by another state.

**Section 612.1 Penalty**

Any person charged with a violation of this Section shall be fined not less than $100, in accordance with the provisions of Title 30-A, Section 3009 of the MRSA.

**Section 613. Thirty Minute Parking**

It shall be unlawful for any vehicle to park for more than 30 minutes between the hours of 6:00 AM and 6:00 PM, Monday through Saturday, adjacent to the Southerly side of the Municipal Building. Two spaces shall be reserved for the Pittsfield Police Department's cruisers and four spaces for Fire Department personnel in accordance with Section 613.

**Section 614. One Hour Parking**

Except as provided elsewhere in this Chapter and for Sundays and holidays, it shall be unlawful for any vehicle to remain parked for more than one continuous hour between the hours of 6:00 AM and 6:00 PM in that portion of the Municipal Parking Lot marked by appropriate signs.

**Section 615. Two Hour Parking**

Except as may be provided elsewhere in this Chapter and for Sundays and holidays, it shall be unlawful for any vehicle to remain parked for more than two (2) continuous hours between the hours of 6:00 AM and 6:00 PM:
a. in those portions of the Municipal Parking Lot marked by appropriate signs, including one space to be reserved for parking for the handicapped;

b. on the Westerly side of Main Street between Somerset Avenue and Central Street; and

c. on the Easterly side of N. Main Street between Easy Street and a point two hundred thirty-five feet (235') Northeasterly of the intersection of Main and Easy Streets.

Section 615.1 Registered Owner

The registered owner of any motor vehicle so parked shall be deemed, prima facie, to be the person who parked said motor vehicle at the time said violation occurred.

Section 615.2 Penalty

Except as otherwise stated, any person charged with a violation of any provision of Chapter 7 may waive all court action by payment of five dollars ($5) to the Police Department within ten (10) days of the offense. If not paid within 30 days it shall be referred for court action.

Section 616. November 1 through March 31 Parking

It shall be unlawful for any vehicle to remain parked between the hours of 12:00 midnight and 6:00 AM from November 1 through March 31 (with the exclusion of public safety vehicles, vehicles of on-duty public safety employees and the Municipal Public Works Department, Water and Sewer Department or Health and Safety Coordinator) in the municipal parking areas, so designated, and more specifically located behind the Municipal Building between Somerset Avenue and Central Street; a row of parking extending from the depot museum to Main Street, and the Municipal Parking Lot, opposite the Municipal Building, located at 112 Somerset Avenue on the Northerly side of Somerset Avenue, excepting two (2) spaces in the Somerset Avenue lot when subject to a current and valid lease. Any person charged with a violation of this section shall be fined in accordance with provisions of Section 615.2 and/or have any vehicle parked in violation of this section removed at owner's expense.

Section 617. Taxi Stand Reserved Parking Space

It shall be illegal for any person, other than a licensed taxi cab, to be parked in a clearly marked parking space designated for taxi cab parking, said space to be the space closest to Main Street in the lot on Central Street between Main Street and the Depot Museum (Pittsfield Historical Society). The registered owner of any vehicle found to be in violation of this section shall be fined in accordance with the provisions of Section 616.2 and/or have the vehicle removed at the registered owner(s) expense.

Section 618. School Zones

The following intown streets will be considered within school zones starting 300 feet on either side of school property: School Street, Stinson Avenue, Main Street/Route 100, Lancey Street by
Manson Park School and Library Street.

**Section 618.1 Rate of speed**

Except when conditions or other regulations require a lower speed, Fifteen (15) miles per hour is the maximum rate of speed:

1. During recess and any time school is in session or students are present;

2. When children are going to or leaving school during school opening or closing hours. For purposes of this paragraph, school opening and closing hours are 1/2 hour before and 1/2 hour after the beginning of the school day and 1/2 hour before and 1/2 hour after the end of the school day;

3. When school speed limit signs are flashing during school opening or closing hours; or

4. At other times designated by a Municipal traffic ordinance that regulates town ways that are classified as local by the Department of Transportation in accordance with the federal functional classification system.

**Section 618.2 Penalty**

Penalties will be in accordance with Title 29-A, Section 2074.

**Section 619. Mill Street and Cottage Street Parking**

It shall be unlawful for any vehicle to park on either side of Mill Street or Cottage Street. (Unless parking is necessary for business related functions.)

**Section 619.1 Penalty**

Penalties will be in accordance with Title 29-A, Section 2069.

**ARTICLE 7. LOADING ZONE**

**Section 701. Authority**

The Municipal Officers may designate one or more on-street parking spaces in any retail trade section in the Town of Pittsfield as “loading zones.”

**Section 702. Definition**

For the purpose of Article 7; “loading zone,” is defined as that part of the street adjacent to the sidewalk where commercially used motor vehicles; including trucks; vans and cars; may be parked for the purpose of loading and unloading goods; merchandise supplies and equipment in connection with the use; operation and maintenance of any commercial or retail store business.
Section 703. Unauthorized Parking

It shall be unlawful for anyone to park a motor vehicle in a “loading zone” in the Town of Pittsfield unless the vehicle is commercially used and is being parked for the purpose of loading goods, etc., as mentioned in Section 702 above.

Section 704. Time Limitation

It shall be unlawful for anyone to park a commercially used vehicle in a loading zone for more than 30 minutes.

Section 705. Penalty

The penalty for violation of Article 7 shall be the imposition of a fine not to exceed $35.00 and any Court having jurisdiction may be used for prosecution of any person; firm or corporation charged with a violation.

ARTICLE 8. SEASONAL POSTING OF TOWN WAYS

Section 801. Closed Ways

To insure proper use and prevent abuse of town ways, including bridges, during the period from November 15 of any year until June 1 of the year following, all sections of such Town Ways designated in the manner provided in Section 802 shall be and are closed to passage of all vehicles or combination of vehicles except those defined in Section 803 for the period of time set forth or described in or on notices as provided in Section 804.

Section 802. Designated Sections

All or any sections, parts or portions of any Town Way which in the opinion of the Director of Public Works and the Town Manager are subject to excessive damage or are unsafe shall be designated by posting a notice in the manner provided in Section 804 which describes the section of the Town Way closed to certain traffic.

Section 803. Exempt Vehicles

Vehicles or combination of vehicles exempt from this rule and regulation are:

a. Any vehicle or combination of vehicles, with or without a load, registered for a gross weight of 23,000 pounds or less and

b. Any vehicle or combination of vehicles registered for a gross load in excess of 23,000 pounds without load other than tools or equipment necessary for the proper operation of such vehicle or combination of vehicles and

c. Any vehicle engaged in highway maintenance under the direction of the Maine
Department of Transportation or the Town of Pittsfield and

d. Any two-axle home heating fuel delivery truck or rubbish collection truck registered in excess of 23,000 pounds carrying a partial load and having a gross weight of 23,000 pounds or less.

Section 804. Notices

The Director of Public Works and the Town Manager on determining that a section of a Town way is subject to damage or is unsafe shall post in a conspicuous place at each end of the section and at any other public way entrance onto said section a poster not less than eleven (11) inches by twenty-two (22) inches in size. The poster shall have an orange background with black print thereon. The poster shall bear the date of the posting, briefly describe the section closed to limited traffic, and a reference to this article and the ordinance under which this is promulgated, and it shall identify the Director of Public Works by name and provide an address and telephone number of the office of the Director of Public Works. The poster shall describe the vehicles or combination of vehicles exempt from the closing.

Section 805. Exemption

This rule and regulation shall not apply to any section of a Town way which has been closed when that section of the highway is solidly frozen. Solidly frozen means that the air temperature is below 32° F and there is no liquid water showing in cracks or potholes. Both conditions are required for the road to be considered solidly frozen.

ARTICLE 9. PENALTY

Penalty for violation of any provision of Chapter 7, except as otherwise stated, shall not exceed $25, and any Court having jurisdiction may be used for prosecution of any person, firm, or corporation charged with a violation.

ARTICLE 10. HEAVY THROUGH TRUCKS PROHIBITED ON CERTAIN STREETS AND ROADS

Section 1001. Prohibited Roads

Trucks in excess of 10,000 lbs/5 tons gross registered weight are hereby prohibited from travelling all the way through on the following roads:

a. Webb Road between Route 100 and Snakeroot Road
b. Snakeroot Road between Route 100 and Higgins Road
c. Higgins Road from Phillips Corner Road to US Route 2
d. Crawford Road between Webb Road and Higgins Road
e. Spring Road from Somerset Avenue to the Pittsfield/Palmyra Town Line
Section 1002. Prohibited Streets

Trucks in excess of 10,000 lbs/5 tons gross registered weight are hereby prohibited from travelling all the way through on the following streets:

a. Library Street
b. Manson Street
c. Libby Street
d. West Street
e. Stinson Street from US Route 11 & State Route 100 (Main Street) to Raymond Street

Section 1003. Penalty

Any person violating the provision of this Ordinance shall be punished upon conviction by a fine of up to $100 for each infraction.

1 Ordinance 07-01, 02/20/07
2 Ordinance 16-03, 04/19/16 (rescinded and replaced)
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APPENDIX A:

ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES
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CHAPTER 8. TOWN OF PITTSFIELD PERSONNEL POLICY

ARTICLE 1. NEW EMPLOYEE INFORMATION

Section 101. Equal Employment Opportunity

The Town of Pittsfield is an equal employment opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national origin, handicap, veteran or family status, or any other status or condition protected by applicable state or federal laws, except where a bona fide occupational qualification applies.

The Town will:

Recruit, hire, train, and promote persons in all job classifications without regard to race, religion, color, sex, age, national origin, handicap, familial or veteran status, or any other status or condition protected by applicable state or federal law, except where a bona fide occupational qualification applies.

Ensure that any and all personnel programs such as compensation, benefits, transfers, layoffs, return from layoff, Town-sponsored training, education, and social and recreation programs are administered without regard to race, religion, color, sex, age, national origin, handicap, veteran's status, or condition protected by applicable state law, except where a bona fide occupational qualification applies.

If any employee has a suggestion, problem, or complaint with regard to equal employment, he/she should contact the Town Manager.

Section 102. Bargaining Units

This Policy expressly covers all employees of the Town unless employees are designated and bargained for by a recognized bargaining unit and are specifically exempted through negotiated contract. All areas of this Policy in conflict with contracts as negotiated and agreed to by both parties shall be considered nonapplicable and the appropriate contract language shall prevail.

Section 103. Recruitment

Within the limits of time during which a position must be filled there should be as wide a search for qualified candidates as possible. The Town Manager is the Town's hiring official unless he/she delegates this authority to some other person and except as otherwise provided by law.

Section 104. Types of Appointments

The following types of appointments may be made to the Town service in conformity with this Policy:
Section 104.1 Regular Full Time

A regular full time employee works full time (a minimum of thirty-two (32) hours per week) and on a continuing basis. He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by this Policy.

Section 104.2 Regular Part Time

An employee in this classification works less than the normal work week (forty (40) hours per week) but on a continuing basis. He/she is subject to all personnel rules and regulations contained in this Policy. Job share employees shall be considered regular part time employees and shall accrue vacation and sick leave on a pro rata basis.

Section 104.3 Temporary Employees

Temporary employees work on a non-permanent basis, usually within a limited time frame. They are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority, and may be terminated for any reason at any time.

Section 105. Probation

Any employee appointed to a regular position shall be considered on probationary status for the first six (6) months of employment. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a six (6) month period of observation and review by the Town Manager, in the case of Department Heads, or by the Department Head, in the case of direct subordinates.

During the probationary period, the Town Manager, in the case of the Department Heads, or the Department Heads, in the case of direct subordinates, with the approval of the Town Manager, may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability do not merit his/her continuance of service.

After the first six (6) months, the employee shall receive a formal written evaluation by his/her supervisor which will be delivered to the Town Manager. The Town Manager shall evaluate Department Heads. A successful evaluation will result in the employee being transferred to regular status.

Section 106. Hours of Work/Work Schedules

The normal working days in the work week shall be Monday through Friday. However, due to the variety of services provided by the Town, it may be necessary for there to be variations in the hours and days of work per week within different departments. The hours of work, the starting and quitting time, and lunch or break periods will be established within each Department with the Town Manager's approval.

The hours of work, the starting and quitting time, or the lunch or break periods may be changed by mutual agreement of the Department Head and Department employees, subject to approval by the Town Manager.
It is understood, however, that salaried employees exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to do the work; this policy will be applied within reason. Those employees not eligible for overtime under this section shall be determined administratively with a master list maintained in the Town Manager's office. It is the responsibility of each Department Head to insure that the Department's work hours are adhered to by all employees.

ARTICLE 2: EMPLOYEE COMPENSATION

Section 201. Wages

The Town is committed to providing employees with an equitable and competitive compensation package that will attract and retain well-qualified employees.

Periodic wage increases are not guaranteed. Recommendations for wage increases will be made within the departmental annual budget request to the Town Manager or his/her appointee and may include cost of living and merit increases. The Town Manager or his/her appointee may accept, reject, or modify the Department Head's recommendation prior to submission of the proposed annual budget to the Town Council for its consideration and passage. When wage increases do occur, they will be based on the following factors: cost of living increases, merit and fitness of the employee as demonstrated by examination or other evidence of competence, and, if applicable, any longevity increases.

Section 202. Overtime

In emergencies or when unusual circumstances warrant overtime work, a Department Head may prescribe a reasonable period of overtime to meet the Town's operational needs. Complete records of overtime worked by employees shall be maintained by each Department Head.

With the approval of the Department Head or Town Manager or his/her appointee, an employee may be granted compensatory time in lieu of overtime pay. Compensatory time shall be granted on a time and one-half basis for hours worked beyond forty (40) hours per week.

Section 203. Overtime Pay

Overtime at the rate of time and one-half (1½) an employee’s regular hourly rate of pay shall be paid for all hours worked beyond forty (40) hours in a seven (7) day work cycle, such pay to be calculated in fifteen (15) minute segments. “Hours worked” for purposes of this paragraph shall include paid hours for jury duty, but shall not include paid holidays, vacation hours, sick leave, bereavement leave, paid compensatory hours off, or hours off work because of disciplinary suspension.

1Ordinance 01-04, 6/6/01
Section 204.  Call Back Pay

An employee called back to work after having left work shall receive a minimum of two (2) hours pay at straight time, unless the time extends to his regular work shift or unless the individual is called back to rectify his own error or omission. Call back hours may be compensated at overtime rates of pay pursuant to the provisions of the preceding paragraph.

Section 205.  Stand-By Pay/Special Assignment

When the Town requires that an employee must be available for work and be able to report to work in less than thirty (30) minutes, the employee shall be compensated at the rate of:

First Employee: Seventy dollars ($70.00) per stand-by work week (Sunday through Saturday)

Second Employee: Thirty-five dollars ($35.00) per stand-by work week (Sunday through Saturday)

Any employee who is unable to report to work within thirty (30) minutes or who cannot be located shall forfeit stand-by pay for that day, and may be subject to disciplinary action.

An employee who is actually called in, shall be compensated in accordance with the overtime pay and call-back pay provisions of the previous Sections 203 and 204.

An employee can “trade” stand by responsibilities so long as both department head and public safety are notified prior to the beginning of said shift.

ARTICLE 3. WORK RULES

Section 301. Attendance

Employees shall be at their respective places of work in accordance with the general or Departmental regulations pertaining to the hours of work. All Departments shall post the regular hours of work for their respective employees, shall keep daily attendance records, and shall furnish to the Town Treasurer such periodic reports as he/she shall request.

Section 302. Residency

Employees of the Town need not be residents of the Town or the State of Maine; provided, however, that the Town Manager may require certain employees to reside within a specified distance or a specific response time of a Town facility where such requirement represents a legitimate job requirement.

Section 303. Resignation

Any employee resigning from service of the Town shall submit to his/her Department Head written notice fourteen (14) calendar days in advance of the last day actually worked. Failure of a resigning employee to comply with this rule may be cause for denying future employment with
Employees of the Town shall maintain high standards of cooperation, efficiency, and economy in their work. Town Departments shall cooperate with the public and other Town Departments to the fullest extent possible. Department Heads and supervisors shall organize and direct the work of their employees to achieve these objectives.

**Section 305. Nepotism**

When, in the normal selection process, or at any time during tenure with the Town, relatives of, or individuals sharing a "personal relationship" with, any Town employee or official are considered for appointment, transfer or promotion, the Town Manager or his/her appointee will be notified by the Department Head. No person shall be hired, transferred or promoted based upon their family or personal relationship to another Town employee or official. In the event a relative or person sharing a personal relationship is selected, that person must clearly be superior in qualifications, experience and training to his/her closest competitor. No employee, except as specifically provided, shall hold a supervisory position, or be senior in the chain of command, to any relative or the person with whom he/she shares a "personal relationship," unless:

1. the relationship is disclosed to the Town Manager; and

2. the Town Manager approves a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and which provides ongoing oversight by a person or persons not subordinate to either of the individuals who have the family or "personal relationship"; and

3. the Town Manager to the Town Council the existence of the potential incompatibility of employment positions and the establishment of a management plan to address the same; and

4. the Town Council ratifies the management plan as presented by the Town Manager.

The Town Manager shall not hold a supervisory position, or be senior in the chain-of-command, to an individual with whom he or she has a family or "personal relationship," unless:

1. the relationship is disclosed to the Town Council by the Town Manager; and

2. the Town Council establishes a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and which provides ongoing oversight by a person or persons not subordinate to the Town Manager or his/her appointee.

This policy is not for the purpose of depriving any person of an equal chance for employment with the Town, but is solely intended to eliminate the potential for preferential treatment of the relatives or anyone sharing a "personal relationship" with any of the Town's employees.

This policy will not be construed to deprive any person employed at the effective date of this
policy of any promotional right in normal career development, nor change the existing status of any employee. However, the Town may require transfer to another department or the modification of schedules, shifts, or work units to eliminate any potential for conflict under this policy.

This policy, insofar as hiring and supervisory practices have been described above, does not apply to individuals serving as call firemen or to part time summer recreation employees.

Section 305.1 Definitions

"Relatives," for the purpose of this policy, shall include all members of the immediate family including spouse, former spouse, parents, step-parents, brothers, sisters, direct line aunts and uncles and nieces and nephews, children, step-children, grandparents, grandchildren, and in-laws.

“Personal relationship,” for the purpose of this policy, shall mean any family, affectional, or social relationship which is characterized by one or more of the following:

1. persons who share a physical intimacy with each other;
2. persons who acknowledge an ongoing romantic relationship with each other;
3. persons who live together in the same residence;
4. persons who intermingle their financial assets without an accounting of separate ownership interests.

“Officials,” for the purpose of this policy, shall mean the Town Manager or any then current elected or appointed member of the Town Council.

Section 306. Conduct of Employees

Employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. No employee shall engage in any business other than his/her regular duties during working hours.

Section 307. Receipt of Gifts

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of nominal gifts, including food and refreshments in the ordinary course of business meetings or unsolicited advertising or promotional materials such as pens, note pads, calendars, or other items of nominal intrinsic value is permitted.
Section 308. Confidentiality

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this confidential information to their private advantage or to provide family members, friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required to be made public under the “Right to Know Law,” 1 M.R.S.A. §§ 401-410, as may be amended from time to time.

Section 309. Political Activity

While performing their normal work duties, employees shall refrain from seeking or accepting nomination or election to any office in Town government, and from using their influence publicly in any way for or against any candidate for elected office in Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization; from attending political meetings; from expressing their views on political matters; or from voting with complete freedom in any election.

Section 310. Workplace Smoking Policy

Smoking is not permitted in any buildings owned or operated by the Town.

Section 311. Personnel Records

The Town Manager shall, upon written request from an employee, provide the employee with an opportunity to review his/her personnel file which the Town maintains for that individual. Such review shall take place at the location where the personnel file is maintained and during normal office hours.

Section 312. Harassment

It is the policy of the Town that all employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this Policy, is prohibited. This Policy refers not only to supervisor-subordinate actions, but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

Section 312.1 Sexual Harassment

1. Sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his/her job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

2. Specific conduct which is prohibited includes, but is not limited to, the following:
a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;

b. Unwelcome sexual flirtations, advances or propositions;

c. Verbal or written abuse of a sexual nature;

d. Graphic verbal comments about an individual's body;

e. Sexually degrading words used to describe an individual; or

f. The display in the workplace of sexually suggestive objects or pictures.

3. Any employee who believes he/she has been the subject of sexual harassment should report all alleged acts to his/her Department Head or the Town Manager.

4. Any Department Head or employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

Section 312.2 Verbal Harassment

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic materials that have such an effect, are prohibited. Any employee who believes he/she has been the subject of such harassment should report the alleged conduct to his/her Department Head or the Town Manager. Any employee, including a Department Head, who is found, after appropriate investigation, to have engaged in any verbal harassment will be subject to discipline, including discharge.

Section 313. Substance Abuse

The possession, sale, or use of alcohol or illegal drugs on Town premises is strictly prohibited and is grounds for immediate dismissal. If any employee is unable to effectively perform his/her duties or causes disruptions in the workplace due to the influence of drugs or alcohol, disciplinary action may be taken.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town's workplace. As a condition of employment with the Town, all employees will abide by the terms of this Policy and notify the Town Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Town, within 30 days of receiving notice with respect to any employee who is so convicted, will take one of the following actions:

1. take appropriate personnel action against such an employee up to and including discharge; and/or

2. require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency.
ARTICLE 4. EMPLOYEE BENEFITS

Section 401. Health Plan

As of the date of the Town's adoption of this Policy, the Town participates in the Maine Municipal Association Health Plan. The Town reserves the right to choose a new insurance plan. This coverage is provided to regular full time employees and is not automatic; it must be initiated by the employee. Specific information on this plan is available from the Assistant Treasurer's Office.

For any full time employee hired after June 30, 1995, the Town will pay 100% of the employee's medical insurance. The employee must pay for family medical insurance.

Section 402. Retirement Plan

The Town is a participating member in the Maine State Retirement System for the benefit of all employees. Participation in this program is optional for all full time employees of the Town. An employee shall be given three (3) opportunities to join the Maine State Retirement System. These opportunities will be the date of hire, the first anniversary of the date of hire, and the second anniversary of the date of hire. If the employee declines to join all three (3) times, he/she shall not be eligible so long as he/she is employed by the Town.

Section 403. Workers' Compensation

The Town provides workers' compensation insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to report it immediately to his or her direct supervisor or Department Head. The Department Head shall notify the Town Manager's or his/her appointee’s office within 24 hours of the injury or on the next work day following the accident.

In the event that an employee is injured on the job, the Town shall pay such employee his/her day's guaranteed wage for that day lost because of such injury. An employee who is injured on the job and is sent home or to a hospital, or who must obtain medical attention, shall receive pay at the applicable hourly rate for the balance of his/her shift on that day. An employee who has returned to his/her required duties after sustaining a compensable injury and who is required by the workers' compensation doctor to receive additional medical treatment during his/her regularly scheduled working hours shall receive his/her regular hourly rate of pay for such time.

In cases where the employee will miss prolonged periods of work, he/she must make arrangements to continue her/his health plan payments.

Section 404. Vacation

Vacation and sick leave privileges shall be available only to regular full time and job share employees. All regular full time employees shall accrue paid vacation leave at the following rates, subject to the satisfactory completion of one year of service:
Vacation time may accrue to a maximum of six (6) weeks. The vacation week shall be five (5) work days in duration and shall be paid at the rate of one (1) week's pay. In the event a holiday falls within the vacation time period, the vacation leave may be extended to compensate therefor.

Vacation leave will ordinarily be taken in blocks of one (1) or two (2) week periods, but vacations for lesser periods may be permitted by the Town Manager or Department Head. Department Heads shall schedule vacations for employees in their Departments so as not to interfere with the work of the Department. Due consideration should be given to an employee's seniority in regard to scheduling vacations.

Employees who are separated in good standing or retire and who have accrued vacation time to their credit at the time of such separation or retirement shall be paid wages equivalent to the accrued vacation time.

Section 405. Sick Leave

Except when as otherwise provided by law or pursuant to a collective bargaining agreement, sick leave shall accrue at the rate of one (1) day for each calendar month for full-time employees. Job share employees shall accrue one-half (½) day for each calendar month, accumulating to a maximum of 120 days. Sick leave shall be earned by an employee at this rate in any one month in which the employee is employed for eighty (80) or more hours of actual work.

For the purpose of computing accrual of sick leave, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month. Earned vacation time shall be considered as working time.

Full time employees shall be eligible to use accrued sick leave after thirty (30) days of service with the Town.

Illness for which sick leave may be granted is defined as actual personal illness, quarantine, compensable bodily injury, or disease. Sick leave may also be granted to an employee because of illness of a member of the employee's "immediate family," which is defined as spouse, child, or parent. An employee absent because of any one or more of the foregoing reasons shall cause such fact to be reported to his/her Department Head immediately, together with the reason for his/her absence.

One day of sick leave shall be charged against each employee for each standard work day or work shift that such employee is absent from duty for any of the reasons mentioned above. Absences for part of a day that are chargeable to sick leave shall be charged proportionately.

An eligible employee shall be entitled to sick leave pay when by reason of "nonservice connected" disability, injury, or illness, he/she is able to perform none of his/her duties for which he/she is qualified; or for personal medical or dental appointments.

When an employee is absent on sick leave more than three (3) days and under a doctor's care, the
Town Manager may, at any time, as a condition precedent to the continuance of sick pay, require a certificate of a qualified physician certifying the condition of the employee (or member of his/her family) to be such as to justify the continued absence from employment.

Sick leave shall not be considered as an entitlement which an employee may use at his/her discretion, but shall be allowed for the necessity arising from actual sickness or disability of the employee or a member of his/her immediate family.

Sick leave credits will not be allowed when absence is due to the use of narcotics or intoxicants or injury incurred while gainfully self-employed or while employed by other than the Town.

Sick leave usage shall be recorded regularly by the Town Treasurer or an appointee. The Town Manager shall review all sick leave records periodically and shall investigate any cases which indicate abuse of the privilege. Abuse of the sick leave privilege shall be cause for discipline.

Upon separation from Town employment, the Town shall pay the employee for one-third (1/3) of his/her accrued and unused sick leave.

Section 406. Leave of Absence

An employee of permanent standing may be granted a leave of absence without pay by the Town Manager on recommendation of his/her Department Head. Such leave of absence shall not exceed one year in length. The granting of this leave shall protect the employee's existing continuous service for the leave period, but no vacation time or sick leave shall accrue during the absence. The employee must make suitable arrangements for the continuation of health plan payments before the leave may be approved by the Town.

Section 407. Family Medical Leave

An employee who has been employed by the Town for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to twelve weeks in any one calendar year for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. Serious illness means an accident or disease or condition that: (1) poses imminent danger of death; (2) requires hospitalization involving an organ transplant, limb amputation or other procedure of similar severity; or (3) any mental or physical condition that requires constant in-home care. Please see the Town Manager's office for further details or clarification.

A. To be eligible for a family medical leave, the employee must give at least 30 days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.

B. The Town may require certification from a physician to verify the amount of leave requested by the employee.

C. Family medical leave is without pay. If the employee is enrolled in group medical
insurance prior to utilizing unpaid leave, the Town will pay for the employer's share of medical insurance premium for the period of the unpaid family medical leave; said period not to exceed 12 weeks. Any employee share of medical insurance, life insurance, income protection and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

D. Vacation, sick leave and holidays do not accrue during an unpaid leave period.

E. Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration of the employee to the same or equivalent position.

F. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of his/her leave, his/her termination date will be the last day he/she was entitled to group coverage.

G. An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Town Manager.

Section 408. Bereavement Leave

In the event of death in the immediate family of an employee, the employee shall be granted up to three (3) days leave of absence with full pay to make household adjustments or to attend funeral services. “Immediate family” is defined, for purposes of this section, to include: spouse, parents, children, brothers, and sisters. In the event of the death of a parent-in-law, brother or sister-in-law, grandparent, grandchild, step-parent, step-child, or foster parent, the employee may be granted, at the discretion of the Town Manager, up to three (3) days leave of absence with full pay to make household adjustments or to attend funeral services. In the event of death of an aunt, uncle, or first cousin, the employee shall be granted one (1) day leave of absence with full pay to make household adjustments or to attend funeral services.

Section 409. Reserve Service Leave

Regular full time employees who are members of the organized military reserves and who are required to perform field duty will be granted reserve service leave in addition to vacation leave, but not to exceed two weeks in any one calendar year. For any such period of reserve service leave, the Town will pay the employee the difference (if any) between the employee's gross service pay and the employee's regular gross compensation, the total of which will equal the regular pay of the employee. It shall be the responsibility of the employee to provide the Town with official documentation of military reserve pay during such field duty.

In some instances, if three (3) weeks is required for field duty, the additional week shall not count against vacation time and the difference in pay will be reimbursed. The employee must present a copy of his/her orders to his/her Department Head as proof of the need for additional
time. Such orders must be presented no less than three (3) weeks before leaving for the field
duty in order for the Department Head to have sufficient time to find a replacement.

In the case of additional training beyond the normal annual training, the employee will present a
copy of his/her orders as proof of this requirement. This additional field duty time will not
count against the employee's vacation time; however, the Town is not required to make up any
pay differential.

Section 410. Jury Duty
In the event that an employee is called for jury duty, the Town shall make up the difference in
pay for the number of hours lost from work due to jury duty. In the case of a salaried employee,
said employee shall continue to receive his/her salary, but must submit to the Town any jury duty
fee or witness fee received. This also applies to any employee who is required by law to appear
in court or before a public body, but does not apply to an employee who wishes to attend a public
hearing.

Section 411. Holidays

The following holidays shall be paid holidays for all regular, full-time Town employees:

1. New Year's Day  6. Labor Day
2. Martin Luther King Day  7. Columbus Day
4. Memorial Day  9. Thanksgiving Day

In addition to the foregoing, there shall be one floating holiday which shall be fixed annually by
a majority vote of the employees on or before the first day of March.

If a holiday falls on a Saturday, the preceding Friday shall be the observed holiday, unless
otherwise regulated by law. If a holiday falls on a Sunday, the following Monday shall be the
observed holiday.

Employees required to work on a holiday in their regular performance of duty may be granted
compensatory time off (at the same rate as holiday pay) in lieu of overtime pay.

Section 412. Emergency Fire Alarm Calls

A Town employee who is a member of the Pittsfield Fire Department may, with the permission
of his/her supervisor, respond to emergency fire alarm calls during his/her Town work hours.
Any employee who responds will be paid the regular rate of his/her position with the Town when
responding to such calls while working at his/her regular job with the Town. Employees will
not be paid their regular rate for any time spent responding to emergency fire alarm calls outside
of their regular work hours. A town employee upon return from the emergency fire alarm call
will report to his/her regular job as soon as possible and report in to his/her department head.

For payroll purposes, up to 4 hours per week of the time of a town employee who is responding
to calls during his/her Town work hours will be charged to the regular job. Time over 4 hours
per week utilized for emergency fire alarm calls while working at the regular job will be charged to the Fire Department.

ARTICLE 5. CAREER DEVELOPMENT

Section 501. Training

Employees shall be entitled to participate in training and educational programs both in service and out. These programs may be participated in upon recommendation of the employee's Department Head with subsequent approval of the Town Manager, provided it is at a reasonable expense to the Town. The programs should be designed to improve the quality of the employee's performance and to bring more efficiency or economical operation to the employee's Department.

Section 502. Promotion

Town employees shall be given maximum opportunity for promotion. All promotions will be based on merit and fitness as demonstrated by examination or other evidence of competence. All reasonable efforts will be made to give first consideration to present employees in filling vacancies, but it must be recognized that the best interests of the Town may require that some vacancies be filled from outside the ranks of employees of the Town.

ARTICLE 6. EMPLOYEE DISCIPLINE AND DISCHARGE

Section 601. Demotion, Dismissal, Suspension

The appointing power (normally the Town Manager) shall have the right to demote, dismiss, or suspend without pay for not more than ten (10) work days any employee whose work performance or conduct justifies such action. Notice of such action against a regular employee must be in writing and provided to the employee within twenty four (24) hours of such action. Such action shall specify the action taken and contain a statement of the reason or reasons therefor. The employee shall have the right to appeal to the Personnel Appeals Board, as established by the Town Charter. The appeal must be filed within ten (10) working days of the date of notification of action by the appointing authority. The Personnel Appeals Board shall conduct a hearing and shall render an advisory opinion to the Town Manager within ten (10) working days after the presentation of the appeal.

In cases of dismissal, whether or not it is appealed, the Town has fourteen (14) calendar days in which to pay all owed wages, including earned vacation pay, one-third of unused sick leave and any accumulated and unused compensatory time. If the employee was unreasonably discharged and is reinstated, he/she shall receive compensation for lost work.

Section 602. Reduction in Force

In the event of a necessary reduction in force as determined by the Town Council or the Town Manager, the determination of the positions to be reduced or eliminated shall be by recommendation of the Department Head and final determination by the Town Manager. All affected employees shall receive two (2) calendar weeks advance notice of the layoff, and the
Town shall meet with the affected employee(s) prior to the actual layoff.

ARTICLE 7. GRIEVANCE PROCEDURE

Section 701. Grievances

A grievance is hereby defined to be any controversy, complaint, misunderstanding, or dispute which may arise under the interpretation or application of this Policy. Any grievance arising between the Town and an employee shall be settled in the following manner:

Step 1: The aggrieved employee shall present his/her grievance to the employee's Department Head within five (5) working days the event giving rise to the grievance becomes known to the employee, except that no time limit shall apply in cases of violation of wage provisions of this Policy. Within three (3) working days after receipt of notice of the grievance, the Department Head shall make reasonable efforts to resolve the grievance to the satisfaction of the aggrieved employee.

Step 2: If the grievance is not resolved under Step 1, the grievance shall be reduced to writing, signed by the aggrieved employee with a statement of the section or sections of this Policy allegedly violated, and presented to the Town Manager within five (5) working days after the employee's receipt of the decision of the Department Head. Upon receipt of the grievance, the Town Manager shall require the Department Head to present in writing his/her report regarding his/her efforts to resolve the grievance to the satisfaction of the aggrieved employee. Within ten (10) working days after receipt of the grievance, or within twenty (20) working days after receipt of the grievance for economic issue related grievances, the Town Manager shall render a decision on the grievance. Failure of the Town Manager to render a decision on the grievance within the prescribed time limits shall be deemed a denial of the grievance.

Step 3: If the grievance is not resolved under Step 2, the grievant may present the grievance to the Personnel Appeals Board within five (5) working days of receipt of the Town Manager's decision. The Personnel Appeals Board shall render a non-binding, advisory opinion on the grievance to the Town Manager within thirty (30) calendar days of receipt of the grievance. Upon receipt of the Personnel Appeals Board's non-binding, advisory opinion, the Town Manager has five (5) working days to either accept the advisory opinion or to render an alternative decision on the grievance. The decision of the Town Manager to accept the advisory opinion or to render an alternative decision on the grievance shall be final.

APPENDIX A:
ALCOHOL AND DRUG POLICY AND TESTING
PROCEDURES FOR EMPLOYEES WITH COMMERCIAL DRIVER'S LICENSES

1. **PURPOSE**

The Town of Pittsfield is committed to a drug and alcohol free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with 49 CFR Part 382 and other pertinent federal laws, the Town Council has adopted this policy.

The Town takes pride in its employees who perform critical duties in a truly effective manner with safety foremost in their minds. This policy strengthens our commitment to a safe workplace.

2. **PROGRAM ADMINISTRATOR**

The Town Manager or his designee shall serve as the Alcohol/Drug Testing Program Administrator. The Program Administrator is responsible for answering questions from drivers, employees or the public in general. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide such information as necessary to enable the appropriate supervisor to take the appropriate action to ensure compliance with this policy. In addition, the Program Administrator is also responsible for compliance with any Program Administrator Guidelines provided by the third party administrator (TPA).

3. **SCOPE OF POLICY**

This policy applies to all regular full-time, part-time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position. All applicants for employment positions requiring a CDL are required to pass a drug and alcohol test as a prerequisite of employment, prior to final hiring. Any applicant who fails a drug test shall not be hired, although he/she may re-apply for employment in the future.

Any person who was employed on a part-time or on-call basis for the Town at least once during 1995 and is employed at least once annually thereafter shall be considered a continuing employee for purposes of this policy, and is not subject to pre-employment testing prior to recommencing work. However, such employees are subject to all other provisions of this policy.

All covered employees shall receive a copy of this policy, as well as a copy of the educational materials covered in the employee education session on alcohol and substance abuse.

4. **COMPLIANCE WITH REGULATIONS**

All CDL employees subject to alcohol and drug testing must be in compliance with this
policy at all times while working for the Town. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

**NOTE REGARDING INDEPENDENT CONTRACTORS:** Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR Part 382 and are responsible for compliance. The Town will not provide or pay for tests or rehabilitation for independent contractors or their employees. The Town shall make compliance with the law a condition of any contract which requires a CDL driver.

5. **SUBSTANCES TESTED**

When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:
1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP)
6. Opiates

6. **PRESCRIPTION DRUG USE**

Employees covered by this policy may use prescription drugs and "over the counter" medications provided that:

1) The prescription drugs or their generic equivalent have been prescribed to the employee by an authorized medical practitioner.

2) The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.

3) Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her supervisor prior to using these substances. The Town at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town may notify the employee's doctor (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities to non-safety sensitive duties.

7. **TESTS REQUIRED**

All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:

1) **Pre-employment.** Drug tests will be conducted when an offer is made to hire an
employee for a CDL position. The offer for employment is contingent on the applicant passing these tests. This includes existing employees who are applying for CDL positions.

2) **Random.** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions while the number of annual alcohol tests shall equal 25% of the CDL required positions. The Town has entered into an agreement with a third party administrator (TPA) to randomly select the CDL employees for testing and then notify the Program Administrator of the person or persons chosen.

3) **Post-accident.** As soon as is practicable after an accident the employee shall be tested for alcohol and drugs if: (a) the accident involved the loss of human life; or (b) the employee received a citation for a moving traffic violation arising from the accident.

4) **Reasonable suspicion.** All employees who exhibit to a trained supervisor signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work, or just after work will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form.

   NOTE: Do not allow an employee to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee should provide transportation to the testing facility.

5) **Return-to-duty.** An employee who engaged in conduct prohibited by Section 9 must submit to an alcohol test and drug test to return to duty. The results of a drug test must be negative to return to duty, and the results of an alcohol test must be less than 0.02 to return to duty.

6) **Follow-up.** An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.

8. **TESTING PROCEDURES**

Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of custody document is completed in the presence of the employee, and the specimen is shipped to a SEMSA certified laboratory.

All urinalysis procedures are required to include split specimen techniques. Each urine sample is subdivided into two containers and labeled as primary and split specimens.
Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over the counter medications are not reported as positive results.

If the analysis of the primary specimen results in a confirmed positive test, the employee may within 72 hours request that the split specimen also be tested at the SEMSA laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case the Town would reimburse the employee.

All test results are reviewed by the Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, then the employer will be contacted and requested to advise the employee to contact the MRO. Urine samples shall be provided in a private test room, stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown.

**Alcohol Testing:** Alcohol testing will be conducted using an evidential breath testing (EBT) device. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of EBT and alcohol testing procedures. Under certain circumstances, post-accident tests conducted by law enforcement personnel or medical personnel will be acceptable.

Two (2) breath or tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentration is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

**9. PROHIBITED CONDUCT**

CDL employees shall not:
1) Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;

2) Possess any alcohol while on duty;

3) Use any alcohol while on duty;

4) Use any alcohol within four (4) hours before going on duty;

5) Use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;

6) Refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post-accident test, or follow-up test;

7) Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in writing that the use will not affect the safe operations of a commercial vehicle. In the case of a written warning by the physician, the employee shall report this to his/her supervisor immediately; or

8) Report to or remain on duty if the employee tests positive for controlled substances.

Failure to comply with these rules is a violation of this policy and may result in disciplinary action and shall result in referral to a substance abuse professional.

10. **REFUSAL TO TEST**

An employee's failure to submit to testing may result in disciplinary action up to and including dismissal, and is also grounds for referral to a substance abuse professional. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances will be considered a refusal to test:

1) Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test;

2) Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined impossible to do so; or

3) Engaging in conduct that clearly obstructs or delays the testing process.

11. **ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04**

Provided that the employee has not violated Section 9, any employee whose alcohol test
results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety-sensitive function for at least 24 hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity for the Town during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater, but less than 0.04, nor will a return-to-duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.

NOTE: This Section applies only in limited situations. For example, if an employee last consumed alcohol more than 4 hours before work, but still has a blood/alcohol level of .03 when he/she shows up for work, he/she is not in violation of Section 9 but is subject to this Section.

12. NOTICE AND CONSENT
Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

All recruitment announcements for any safety sensitive position, including in-house recruitment and promotion, will disclose that a drug screening test will be required of the applicant.

13. CONSEQUENCES OF VIOLATION OF THIS POLICY

1) Any employee who violates Sections 9 or 10 of this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee is required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's cost unless otherwise agreed by the Town. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result.

2) In addition, any employee who violates Sections 9 or 10 of this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed, the employee shall have the opportunity to participate for up to 6 months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: Employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by municipal policy; it is not required by federal law.

NOTE: Under State law, if part or all of the costs of drug abuse rehabilitation are covered by a group health insurance plan which includes the employee in question, then such insurance may be used by the employee for that purpose.
3) Further grounds for discipline or dismissal under municipal policy include, but are not limited to:

   a) Refusal to submit to a rehabilitation program after testing positive;

   b) Failure within 6 months to successfully complete a rehabilitation program after commencing the program, or failure to pass a return-to-duty drug or alcohol test;

   c) Evidence that the employee has substituted, adulterated, diluted or otherwise tampered with his/her urine sample; or

   d) Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.

4) During the period the Town is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return-to-duty test, the Town may transfer the employee to another position with or without a reduction in pay or benefits. The Town also reserves the right to place an employee on paid or unpaid suspension. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on, but is not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions. Action taken by the Town under this subsection is a matter of municipal policy, and is not imposed by federal law.

14. **EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES**

1) In the event of a confirmed positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done within 72 hours after notification of the confirmed result. No further action will be taken if there is a justified explanation, or there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

2) Any employee with a positive test result may upon written request to the Program Administrator have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within 60 days after the decision on his/her employment application.

3) Upon successfully completing a rehabilitation program within 6 months after it commences and upon passing a return-to-duty drug test, the employee is entitled to return to his/her previous job with full pay (but not back pay) and benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible. The rehabilitation or treatment provider in consultation with
the Program Administrator shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open for more than 6 months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where he/she is unavailable for work due to drug rehabilitation.

15. **CONFIDENTIALITY OF INFORMATION**

Unless the employee or applicant consents, all information acquired by the Town in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the Program Administrator, officials with a need to know, and the rehabilitation provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.

16. **DOCUMENTS PROVIDED**

The Town will provide each person subject to this policy a copy of the policy. The Town will also provide printed material which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life, as well as information on the signs and symptoms of alcohol or controlled substances and methods of treatment or intervention for drug or alcohol abuse.
TOWN OF PITTSFIELD
ALCOHOL AND DRUG POLICY

Pre-Employment Urinalysis Consent Form

The Town of Pittsfield has a strong commitment to the health, safety and welfare of its
employees, their families, its customers, and the public at large. Therefore, the Town of
Pittsfield seeks to hire and employ workers requiring a Commercial Driver's License (CDL) who
are free of illegal and abused drugs and protect employees, their families and the public from the
adverse effects of drug abuse. The Town of Pittsfield requires the final applicant selected for a
position requiring a CDL to undergo a Drug Test to detect the presence or absence of controlled
substances in the body.

Any applicant with a positive pre-employment test may be denied employment by reason of the
positive test. Also, any applicant refusing to be tested will be denied employment.

I UNDERSTAND THAT AS REQUIRED BY TITLE 49, CODE OF FEDERAL
REGULATIONS, ALL APPLICANTS FOR POSITIONS REQUIRING A COMMERCIAL
DRIVER'S LICENSE MUST BE TESTED FOR THE USE OF CONTROLLED SUBSTANCES
AS A PRE-CONDITION FOR EMPLOYMENT.

I CONSENT TO URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED
SUBSTANCES.

I UNDERSTAND THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES
WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE
AND RESULT IN MY BEING DENIED EMPLOYMENT WITH THE TOWN OF
PITTSFIELD.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN OF PITTSFIELD
WILL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS
WILL BE REPORTED TO THE TOWN OF PITTSFIELD. IF THE RESULTS ARE
POSITIVE, THE CONTROLLED SUBSTANCE WILL BE IDENTIFIED. THE RESULTS WILL NOT BE RELEASED TO OTHER PARTIES WITHOUT MY WRITTEN CONSENT EXCEPT AS PROVIDED BY LAW.

I UNDERSTAND THE ABOVE CONDITIONS AND HEREBY AGREE TO COMPLY WITH THEM.

__________________________________________  ______________________
Applicant’s Name (please print)                Date

__________________________________________  ______________________
Applicant’s Signature                          Social Security #
TOWN OF PITTSFIELD
ALCOHOL AND DRUG POLICY

Employee Breath Test & Urinalysis Consent Form

The Town of Pittsfield has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a Commercial Driver's License (CDL), and may endanger the employee, co-workers, the public, the Town of Pittsfield, and public and private property. The Town of Pittsfield seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the public. The Town of Pittsfield also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

Under Title 49, CFR, the Town of Pittsfield may require a current employee whose position requires a CDL to undergo drug and alcohol testing consisting of random testing; post-accident testing; reasonable suspicion testing; return-to-work testing; and follow-up testing. Refusal to be tested may subject an employee to disciplinary action and possible termination, as well as referral to a substance abuse professional.

I UNDERSTAND THAT AS REQUIRED BY TITLE 49, CODE OF FEDERAL REGULATIONS, ALL EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE MUST BE SUBJECT TO TESTING FOR THE USE OF ALCOHOL AND CONTROLLED SUBSTANCES AS A CONDITION OF CONTINUED EMPLOYMENT.

I CONSENT TO BREATH TESTS AND URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED SUBSTANCES.

I UNDERSTAND THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE AND MAY RESULT IN DISCIPLINARY ACTION.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN OF PITTSFIELD WILL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS WILL BE REPORTED TO THE TOWN OF PITTSFIELD. IF THE RESULTS ARE POSITIVE, THE CONTROLLED SUBSTANCE WILL BE IDENTIFIED. RESULTS WILL NOT BE RELEASED TO OTHER PARTIES WITHOUT MY WRITTEN CONSENT EXCEPT AS PROVIDED BY LAW.

I UNDERSTAND THE ABOVE CONDITIONS AND HEREBY AGREE TO COMPLY WITH THEM.

----------------------------------------     __________
Employee's Name (please print)                     Date

----------------------------------------     __________
Employee's Signature                           Social Security #
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CHAPTER 9. SEWER USE

ARTICLE 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 101.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Section 102.

“Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Section 103.

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 104.

“Code” shall refer to the Maine State Plumbing Code.

Section 105.

“Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

Section 106.

“Department” shall refer to Department of Public Works.

Section 107.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
Section 108.

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Section 109.

"LPI" shall refer to Local Plumbing Inspector.

Section 110.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface of groundwater.

Section 111.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 112.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 113.

"Public Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (½) inch in any dimension.

Section 114.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 115.

"Sanitary Sewers" shall mean a sewer which carries sewage and to which storm surface and groundwaters are not intentionally admitted.

Section 116.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
Section 117.

“Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 118.

“Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 119.

“Sewer” shall mean a pipe or conduit for carrying sewage.

Section 120.

“Shall" is mandatory: “May" is permissive.

Section 121.

“Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty- four (24) hour concentration or flows during normal operation.

Section 122.

“Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 123.

“Superintendent" shall mean the Superintendent of Water Pollution Control of the Town or his authorized deputy, agent, or representative

Section 124.

“Suspended Solids" shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 125.
"Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

ARTICLE 2. PRIVATE SEWAGE DISPOSAL

Section 201.

Where a public sanitary or combined sewer is not available under the provisions of Article 3, the building sewer shall be connected to a private sewage disposal complying with the provisions of this article.

Section 202.

Before commencement of construction of a building, addition to a building, or a private sewage disposal system the owner shall first obtain a written permit signed by the Local Plumbing Inspector in accordance with the terms of the latest revision of the Maine State Plumbing Code. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $5.00 shall be paid to the Town at the time the application is filed.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.

Section 203.

The type, capacities, location, aid layout of a private sewage disposal system shall comply with all requirements of the Department of Human Services, Division of Health Engineering of the State of Maine. No permit shall be issued for any new construction employing subsurface soil absorption facilities where the area of the lot is less than 40,000 square feet. No septic tank or cesspool shall be permitted to discharge to any watercourse except as provided by the Maine Department of Environmental Protection.

Section 204.

The owner shall operate and maintain private sewage disposal facilities in accordance with the code, at no expense to the Town.

Section 205.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Plumbing Inspector.
ARTICLE 3. USE OF PUBLIC SEWERS REQUIRED

Section 301.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property with the Town or in an area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

Section 302.

It shall be unlawful to discharge to any natural outlet within the Town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 303.

Except as provided in Article 2, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 304.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly, with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

ARTICLE 4. PAYMENT FOR USE OF PUBLIC SEWERS

Section 401.

Usage rates and fees to be charged for the use of the public sewers shall be adopted by order of the Town Council.

Section 402.

All fees shall be due when billed and the owner of the premises served shall be held responsible for payment of usage fees. An interest charge on overdue accounts shall be established to be computed at the prevailing level established for nonpayment of real and personal property taxes, said interest to commence on the thirty-first (31st) day following the mailing of bills.

ARTICLE 5. BUILDING SEWERS AND CONNECTIONS
Section 501.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenant thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in volume or character of pollutants that are being discharged into the system shall notify the department at least 45 days prior to the proposed change or connection.

Section 502.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial domestic service, and (b) for service to establishments producing industrial wastes. In either case the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of fifty dollars ($50.00) for a residential sewer permit or one hundred dollars ($100.00) for a commercial building sewer permit and two hundred and fifty dollars for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Section 503.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 504.

A separate and independent sewer may be provided for each lot of single ownership, occupied by several buildings; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 505.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Ordinance.

Section 506.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Code or other applicable rules and regulations of the Town.
The size of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-eighth (1/8) inch per foot.

Section 507.

Whenever possible, the building sewer shall be brought to the building at an elevation not more than 8-inches above the basement floor. In all buildings, in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 508.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff or groundwater to a building sewer or building drain, unless otherwise approved by Department.

Section 509.

The connection of the building sewer into the public sewer shall conform to the requirements of the Code or other applicable rules and regulations of the Town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 510.

The applicant for the building sewer permit shall notify the Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.

Section 511.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 512.

The applicant shall install all building sewers from the building to the property line. The Town shall install the building sewer from the property line to the municipal sewer.

ARTICLE 6. USE OF THE PUBLIC SEWERS

Section 601.
No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 602.

Storm water and all other unpolluted drainage shall be discharged to such drains as are specifically designed as combined sewers or storm drains, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm drain, or natural outlet.

Section 603.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 604.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 h.p. metric) or greater shall be subject to the review and approval of the Department.

(d) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(e) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(g) Any waters or wastes having a ph in excess of 9.5.

(h) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth., lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate and sodium chloride).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD., chemical oxygen demand., or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting “slugs" as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
Section 605.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 604. of this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

Section 606.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 607.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 608.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 609.
All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer in connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

Section 609.a.

“All industries discharging into a public sewer shall perform such monitoring of their discharge as the Department of Public Works and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Department of Public Works. Such records shall be made available upon request by the Department of Public Works to other agencies having jurisdiction over discharges to the receiving water.”

Section 610.

That any industry held in violation of the provisions of this ordinance may have its disposal authorization terminated.

Section 611.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city or town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city or town for treatment, subject to payment, therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.

ARTICLE 7. PROTECTION FROM DAMAGE

Section 701.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

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ARTICLE 8. POWERS AND AUTHORITY OF INSPECTORS

Section 801.

The LPI and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 802.

While performing the necessary work on private properties referred to above, the LPI or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the occupant and the occupant shall be held harmless for injury or death to the Town employees and the Town employees and Town shall indemnify the occupant against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the occupant and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the occupant to maintain safe conditions as required in Article 6, Section 608.

Section 803.

The LPI and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE 9. PENALTIES

Section 901.

Any person found to be violating any provision of this ordinance except Article 7 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of the time stated in such notice, permanently cease all violations.

Section 902.
Any person who shall continue any violation beyond the time limit provided for in Article 9, Section 901, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 903.

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

ARTICLE 10. VALIDITY

Section 1001.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1002.

The invalidity of any section, clause, sentence, or provisions of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
PRIVATE SEWAGE DISPOSAL APPLICATION

To the (Town or District)

_________________________________________________________________________

The undersigned., being the ____________________________________________ of the

(Owner, Owner's Agent)

property located at ______________________________________________________

(Number) (Street)

does hereby request a permit to install sanitary sewage disposal facilities to serve the

________________________________________ at said location.

(Residence, Commercial Building, etc.)

1. The proposed facilities include:

________________________________________________________________________

to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit A.

2. The area of the property is _____________ square feet.

3. The name and address of the person or firm who will perform the work is:

__________________________________________________________________________

4. The maximum number of persons to be served by the proposed facilities is:

__________________________________________________________________________

5. The locations and nature of all sources of private or public water supply within one hundred (100) feet of any
boundary of said property are shown on the plan attached hereunto as Exhibit B.

In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the proposed work that shall be requested by the Superintendent.

2. To accept and abide by all provisions of Ordinance No. __________ of the (Town or District) of ________________, and of all other pertinent ordinances or regulations that may be adopted in the future.

3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Health Officer or Plumbing Inspector and at no expense to the (Town or District).

4. To notify the Superintendent at least twenty-four (24) hours prior to commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portions of the installation.

Date _________________________________________ (Applicant’s Signature)

$__________ inspection fee paid ________________________________________________ (Certification by Treasurer)

Application approved and permit issued:

Date _________________________________________ (Applicant’s Address)
(Superintendent's Signature)
RESIDENTIAL OR COMMERCIAL DOMESTIC WASTE BUILDING SEWER APPLICATION

To the Town of Pittsfield __________________________________________________________:

The undersigned, being the ______________________________________________________ of the
property located at ____________________________________________________________, does
(Number) (Street)
hereby request a permit to install and connect a building sewer to serve the
__________________________________________ at said location.
(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<table>
<thead>
<tr>
<th>Number</th>
<th>Fixture</th>
<th>Number</th>
<th>Fixture</th>
</tr>
</thead>
<tbody>
<tr>
<td>______</td>
<td>Kitchen Sinks</td>
<td>______</td>
<td>Water Closets</td>
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<tr>
<td>______</td>
<td>Lavatories</td>
<td>______</td>
<td>Bath Tubs</td>
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<tr>
<td>______</td>
<td>Laundry Tubs</td>
<td>______</td>
<td>Showers</td>
</tr>
<tr>
<td>______</td>
<td>Urinals</td>
<td>______</td>
<td>Garbage Grinders</td>
</tr>
</tbody>
</table>

Specify other fixtures

2. Daily Average number of persons who will use the above fixtures is ____________________________.

3. Waste Disposal: Public ________ Private ________

4. The name and address of the person or firm who will perform the proposed work is

_____________________________________________________________________________________

5. Plans and specifications for the proposed building sewer are attached hereto as Exhibit A. (Form HEE 200 for Rural Locations)

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of Ordinance No. ________ of the (Town or District)
   ___________________________________________________________________,
   and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building sewer at no expense to the (Town or District).

3. To notify the Department when the building sewer is ready for inspection and connection to the public sewer, but
   before any portion of the work is covered.

Date ________________________________ (Applicant’s Signature)

$________ inspection fee paid

(Application’s Address)

(Certification by Treasurer)

Application approved and permit issued:
Date ________________________________ (LPI)
INDUSTRIAL SEWER CONNECTION APPLICATION

To the (Town or District) of ______________________________

The undersigned being the ________________________________ of the property located at ______________________________

does hereby request a permit to _________________________________________________________ an industrial sewer connection serving the ________________________________, which company is engaged in ________________________________ at said location.

1. A plot of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit A.

2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit B.

3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit C.

4. The name and address of the person or firm who will perform the work covered by this permit is ____________________________________________________________

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Superintendent.

2. To accept and abide by all provisions of Ordinance No. ________ of the (Town or District) of ________________, and of all other pertinent ordinances or regulations that may be adopted in the near future.

3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the (Town or District).

4. To cooperate at all times with the Department and its representatives in the inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

5. To notify the Department immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Date ________________________________________ ___ _______________________________________

(Applicant=s Signature) (Applicant=s Address)

$_________ inspection fee paid __________________________________________________________

(Certification by Treasurer)

Application approved and permit issued:

Date ________________________________________ ___ _______________________________________

(Superintendent=s Signature)
POLICY
ABATEMENT OF SEWER CHARGES

TOWN OF PITTSFIELD, MAINE

If just cause can be shown, the Town Manager may abate any portion of a billed sewer charge if said quarterly sewer charge exceeds one hundred percent (100%) of the average quarterly billing for the preceding three quarters, adjusted for any rate changes.
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CHAPTER 9A. SEPTAGE WASTE MANAGEMENT

Title: This Chapter shall be known and may be cited as the “Town of Pittsfield Septage Waste Management Ordinance.”

ARTICLE 1. DECLARATION OF POLICY

The Town Council, acting under orders promulgated by the Maine Department of Environmental Protection, finds that regulating the disposal of septage is essential to the health, safety, and welfare of the public, and preservation of the quality of the environment. This ordinance provides a systematic and consistent method of regulating the transportation and disposal of the wastes described above.

ARTICLE 2. DEFINITIONS

a. Disposal: “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any septage into or on any land or water so that it, or any constituent thereof, may enter the environment or be discharged into any waters, including ground waters, or into any public storm or sanitary sewer, or into the wastewater treatment facility lagoons.

b. Generation: “Generation” means the act or process of producing septage.

c. Septage: “Septage” means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities including other human sanitary sewerage material concentrated by gathering in holding tanks.

d. Transport: “Transport” means the movement of septage from the point of collection to the point of ultimate disposition.

e. Waste Facility: “Waste facility” means any land area, structure, location, equipment, or combination of them used for handling of septage. A land area does not become a waste facility solely because it is used by its owner for disposing of septage from his residence.

f. Waste Management: “Waste Management” means purposeful, systematic and unified control of the handling and transportation of septage.

ARTICLE 3. MUNICIPAL SEPTAGE SITE

The Town of Pittsfield Wastewater Treatment Facility, located at the end of the McCarthy Road, is hereby designated as the Town's waste facility. In addition, any person may provide a site for disposal of septage in accordance with State Statutes (M.R.S.A. 38, Section 1305-A).
Section 301. On-Site Disposal of Domestic Septage

In accordance with State Statutes, a septage pumper may dispose of septage from a residence on property of the owner of the residence at the request of the property owner.

ARTICLE 4. DISPOSAL OF LOCALLY GENERATED SEPTAGE AT MUNICIPAL SEPTAGE SITE

Except as provided by Article 3 and Article 3, Section 301 above, no person, partnership, corporation, or other legal entity shall cause the disposal of any septage at a location other than the Town of Pittsfield's waste facility, and all such septage shall have been generated and transported within the corporate boundaries of the Town of Pittsfield.

ARTICLE 5. HOURS OF MUNICIPAL SEPTAGE SITE

The Pittsfield Waste Facility hours will be set by order of the Pittsfield Town Council. Should it be necessary to dispose of septage other than during regular working hours (7:00 AM - 3:00 PM) Monday through Friday excepting Holidays, the full cost of any municipal employee's call-in time, including fringe benefits, shall be included as an additional cost to the permit fee.

ARTICLE 6. USAGE AND OPERATION OF WASTE FACILITY

The usage of the Waste Facility for disposal of septage shall be under the direction of employees of the Town of Pittsfield's Sewer Department who shall direct, assist, and supervise all disposal of septage by septage pumpers.

Section 601.

The Town of Pittsfield Sewer Department shall be responsible for the day to day operation and maintenance of the Waste Facility, and it shall be the duty of its employees to strictly enforce this ordinance and to see that any and all violations are promptly abated and violators prosecuted.

ARTICLE 7. PERMITS REQUIRED

A local permit form which shall be provided by the municipality must be obtained by a septage pumper or transporter and shall be completed by said person, partnership, corporation, or other legal entity prior to disposal of any septage.

Said permits must include the name, address, and telephone number of the septage pumper (whether an individual, partnership, corporation, or other legal entity); the name, address, and telephone number of the property owner from which the septage was taken (or name and address of tenant, if property owner is not a resident of the premises); the date of pumping; size of tank; a section for computing fees; and such other information as may be required by the Town or State for purpose of information and/or data collection.

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ARTICLE 8. FEES

The Town of Pittsfield Sewer Department shall collect from any septage pumper a fee according to the following schedule:

Fees to be charged shall be adopted by Order of the Town Council.

If the Town is required to open up the waste facility outside regular business hours, there will be additional charges as outlined in Article 5. Failure to pay fees within 21 (twenty-one) days of billing shall provide the basis for the Town to refuse access to its Waste Facility to that septage pumper until all accounts have been brought current.

ARTICLE 9. SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

ARTICLE 10. PENALTIES

Any person, partnership, corporation, or other legal entity who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined no less than fifty dollars ($50) or no more than five hundred dollars ($500) for each offense.
APPLICATION FOR DISPOSAL OF SEPTAGE

Town of Pittsfield Sewer Department
112 Somerset Avenue, Pittsfield, Maine 04967
Telephone (207) 487-3136

DATE: _______________________________

NAME OF CONTRACTOR: _____________________________________________________

ADDRESS: ___________________________________________________________________

STATE SEPTAGE HAULER’S LICENSE #: ________________________________________

TELEPHONE: __________________________

NAME OF CUSTOMER: ________________________________

ADDRESS: ___________________________________________________________________

LOCATION OF SEPTIC/HOLDING TANK IF DIFFERENT FROM CUSTOMER’S

ADDRESS: ___________________________________________________________________

SIZE OF SEPTIC/HOLDING TANK: ______________________________________________

DATE LAST PUMPED, IF KNOWN: ______________________________________________

------------------------------------------------------------------------

FEE PAID: _______________ FEE TO BE BILLED: _______________________

RECEIPT NO: ____________________________

FEE SCHEDULE: 6 cents per gallon

If Town is required to open up Waste Facility outside normal working hours (7:00 AM - 3:00 PM Monday-Friday, holidays excepted), there will be an additional charge.
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CHAPTER 9B. INTERIM SLUDGE MANAGEMENT

Title: This Chapter shall be known and may be cited as the “Town of Pittsfield Sludge Management Interim Ordinance.”

ARTICLE I. AUTHORITY

This Ordinance is adopted pursuant to Maine Constitution Article VII, part 2; 30-A M.R.S.A. 3001.

ARTICLE II. FINDINGS AND PURPOSE

The Town finds that sludge and residuals may contain concentrations of heavy metals, polychlorinated biphenyls and other substances which can be harmful to humans, animals, aquatic life and the natural environment. The Town further finds that inadequate safeguards exist at the present time to insure that wastewater treatment plant sludge does not contain substances which may prove harmful to humans, animals, aquatic life and the natural environment and that insufficient data exists to guarantee that human health and safety will not be adversely affected by the land spreading of wastewater treatment plant sludge.

The purpose of this Ordinance is to protect the health and safety of the residents of Pittsfield, to enhance and maintain the quality of the environment, and to conserve natural resources through regulation of storage and land application of wastewater treatment plant sludge and other residuals.

ARTICLE III. DEFINITIONS

(a) “Person” includes individuals, partnerships, corporations and their agents and employees.

(b) “Sludge” means any solid, semisolid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plant.

(c) “Residual” refers to pulp and paper mill wastewater treatment plant sludge. This term also includes resultant ash from incineration of sludge and wood generated from commercial or industrial facilities and available as potentially suitable materials for controlled land application resulting in vegetative assimilation, attenuation of the components in the material, or improved soil conditions.
ARTICLE IV. SLUDGE DISPOSAL

A. Until determined by an affirmative vote of at least five members of the Pittsfield Town Council, upon the recommendation of the Planning Board, after notice and public hearing, that adequate safeguards exist to protect the health and safety of the citizens of Pittsfield, no person shall store, spread, or by any other means dispose of any treatment plant sludge or residuals within the limits of the municipality of Pittsfield unless such sludge or residuals shall have been generated and transported within the corporate boundaries of the Town of Pittsfield.

B. Sludge which has been generated within the Town of Pittsfield shall be spread or stored only on publicly-owned land, and then only after obtaining approval from the Maine Department of Environmental Protection, Pittsfield Planning Board, and Pittsfield Town Council. In considering such approval, the Pittsfield Planning Board and Town Council may look for guidance to the provisions of proposed Chapter 9C which is attached hereto.

C. After determination by at least five members of the Town Council, upon the recommendation of the Planning Board, after notice and public hearing, that sufficient data exists and adequate safeguards are in place to insure that the health and safety of the citizens of Pittsfield are protected, the provisions of Chapter 9C of this Ordinance may be adopted by an affirmative vote of at least five members of the Pittsfield Town Council. In the alternative, if mandated by legislative or judicial authority, the provision of Chapter 9C may be adopted by a majority vote of the Pittsfield Town Council without a finding that the health and safety of the inhabitants of Pittsfield are protected.

ARTICLE V. REVIEW OF SLUDGE DISPOSAL PROVISIONS WITHIN THE TOWN OF PITTSFIELD

If the Town Council has not made a determination by December 31, 2006, that sufficient data exist and adequate safeguards are in place to protect the health, safety and natural environment of the citizens of Pittsfield, then the Town Council, within thirty (30) days thereafter, shall hold a public hearing to determine whether it is then appropriate to adopt the provisions of Chapter 9C relating to the storage and spreading of sludge within the Town of Pittsfield. At least five affirmative votes among the Town Council members are required to adopt the provisions of Chapter 9C. Should the Town Council find that sufficient data do not exist and adequate safeguards are not in place to protect the health, safety, and natural environment of the citizens of Pittsfield, then the Town Council, within thirty (30) days thereafter, shall amend this Ordinance and extend its applicability to a specific date.
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CHAPTER 9C. SLUDGE MANAGEMENT (Not to become effective until adoption pursuant to Chapter 9B, Article IV, Section C, or Article V, of the Pittsfield Town Code.)

Title: This Chapter shall be known and may be cited as the “Town of Pittsfield Sludge Management Ordinance.”

ARTICLE I. AUTHORITY

This Ordinance is adopted pursuant to Maine Constitution Article VII, part 2; 30-A M.R.S.A. 3001 and Chapter 9B of this Ordinance.

ARTICLE II. FINDINGS AND PURPOSE

The Town finds that sludge and residuals may contain concentrations of heavy metals, polychlorinated biphenyls and other substances which can be harmful to humans, animals, aquatic life and the natural environment. The Town further finds that its topography, which includes the Sebasticook River, Sibley Pond, Mill Pond, Douglas Pond, wetlands, numerous brooks and tributaries, and significant groundwater aquifers, makes it uniquely susceptible to environmental damage and, more particularly, that runoff from areas where sludge and residuals have been spread would pose a special danger to those water bodies and would threaten the ecological and economic well-being of the Town.

The purpose of this Ordinance is to protect the health and safety of the residents of Pittsfield, to enhance and maintain the quality of the environment, and to conserve natural resources through regulation of storage and land application of industrial wastewater treatment plant sludge and other residuals.

ARTICLE III. DEFINITIONS

a. Applicant: The term “applicant” refers to the owner and/or operator of the wastewater treatment plant or generator of the sludge or residual.

b. Aquifer: See “significant groundwater aquifer.”

c. Board: The term “Board” refers to the Pittsfield Planning Board.


e. Department of Environmental Protection: The term “Department of Environmental Protection,” more commonly referred to as “DEP”, refers to the State of Maine Department of Environmental Protection, including the Board of Environmental Protection and the Commissioner, and/or its successor agencies.
f. EP Toxicity Test: The term “EP Toxicity Test” refers to the Extraction Procedure Toxicity Test as described in Section 1.2.4. of the U.S. Environmental Protection Agency (EPA) document entitled Test Methods for Evaluating Solid Waste, SW 846 (Nov. 1986).

g. Operator: The term “operator” refers to any person who has care, charge or control of a landscaping site or storage facility subject to this Ordinance. This person may be the owner, an agent, a lessee of the owner, or an independent contractor.

h. Owner: The term “owner” refers to any person who, alone or in conjunction with others, owns the real property upon which is located a landspreading site or storage facility subject to this Ordinance.

i. Primary sand and gravel recharge areas: The term “primary sand and gravel recharge areas” refers to the surface directly overlying sand and gravel formations that provide direct replenishment of the ground water in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

j. Residual: The term “residual” refers to pulp and paper mill wastewater treatment plant sludge. This term also includes resultant ash from incineration of sludge and wood generated from commercial or industrial facilities and available as potentially suitable materials for controlled land application resulting in vegetative assimilation, attenuation of the components in the material, or improved soil conditions.

k. Significant Groundwater aquifer: The term “significant groundwater aquifer” refers to any formation of soil or fractured bedrock that contains significant recoverable quantities of water (greater than ten gallons per minute from a properly constructed six-inch well). NOTE: Reference may be made to the “Hydrogeologic Data for Significant Sand and Gravel Aquifers” map prepared by the Maine Geologic Survey. In the event that on-site testing required pursuant to this Ordinance identifies additional aquifers or identifies boundaries of aquifers that are different from those mapped, the results of the on-site testing shall control.

l. Sludge: The term “sludge” refers to the solid, semi-solid or liquid residual generated by a municipal, commercial or industrial wastewater treatment plant.

m. Temporary Field Stacking: The term “temporary field stacking” refers to only short-term stacking of materials for not longer than a period of seventy-two (72) hours before spreading is to occur.
ARTICLE VI. APPLICATION PROCEDURE

A. Procedure

1. An applicant wishing to deliver, store or spread sludge, residuals, or any material containing the aforementioned in Pittsfield shall file an application form with the Board. The application shall be submitted at least 135 days before the date of first delivery, storage or spreading, so as to ensure adequate time for review under this Ordinance.

2. The applicant shall submit ten (10) copies of the application at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard.

3. The application shall be accompanied by a non-refundable fee of Fifteen Hundred Dollars ($1,500.00) established in a Town Fee Schedule revised from time to time by the Pittsfield Town Council and payable to the Town of Pittsfield, Maine, with a note indicating the specific purpose of the fee.

4. The Board shall require the applicant to deposit an amount not to exceed Twenty-Five Thousand Dollars ($25,000.00) in an interest-bearing account in the name of the Town. The purpose of this account shall be to allow the Town to hire a professional consultant to review the application for compliance with this Ordinance as well as conduct such additional studies as may be required to assure that the public health, safety, and natural environment will not be adversely impacted by the proposed sludge spreading or storage. Funds shall be withdrawn from this account only by the Treasurer of the Town at the Council’s request. Any interest earned and any remaining balance in this account shall be returned to the applicant following approval or denial of the application.

5. At the meeting at which it is first considered by the Board, the Board shall review the application to determine whether it is complete or whether additional submissions are required. If the application is found to be incomplete, the Board shall notify the applicant in writing within ten (10) days of the meeting as to what additional submissions are necessary to begin the review process.

6. The applicant must provide any additional information within thirty (30) days of the date on which the Board gives notice that additional information is required.

7. The application shall be considered “complete” and “filed” as of the date when all required information is furnished to the Board by the applicant.

8. A public hearing shall be held within thirty-five (35) days after the Board determines that the application is complete. The Board shall cause notice of the time, place and date of such hearing to be sent by certified mail, return receipt requested, not less than ten (10) days before the hearing to the applicant, to abutters of the properties involved, and to owners of any property within 1,000 feet of the properties involved. Owners of abutting
properties and of properties within 1,000 feet shall be those listed in the most recent tax
records of the Town of Pittsfield. Notice shall also be published at least seven (7) days
prior to the public hearing in a newspaper of general circulation in the Town of Pittsfield.
Notice shall also be posted in three (3) public places designated by the Board. Failure to
receive notice shall not invalidate a public hearing held if the requirements of this
subsection have been met.

9. The Board shall recommend to the Council whether the application should be approved,
approved with conditions, or denied. The Council shall take final action within 35 days
of the issuance of a license from the DEP, or within 70 days of the Town’s public
hearing, whichever date is later. Final action by the Council may be approval, approval
with conditions, or denial.

10. If the applicant/operator is denied a license by the DEP, no action shall be required by the
Board. The applicant shall send the DEP approval or denial to the Board within three (3)
days of receiving it.

11. Within seven (7) days of its final action, the Council shall notify the applicant of its
action and the reason(s) for such action. Approval of the application, together with the
conditions of approval, if any, shall constitute a permit.

B. Submissions

An application to spread sludge or residuals in the Town of Pittsfield shall include the following:

1. A completed “Application for Sludge Utilization” prepared for the Department of
Environmental Protection.

2. A fee as required by Article IV.A.3 of this Ordinance and a deposit into an interest-
bearing account as provided in Article IV.A.4.

3. A map of the proposed site that clearly indicates property lines, abutters, owners of
property within 1,000 feet, existing water well locations within 1,000 feet, areas not
suitable for spreading and the reason(s) therefore, required setbacks and the reason(s)
therefor, storage areas, and proximity to any primary sand and gravel recharge area and/or
significant groundwater aquifer.

4. A baseline soils analysis for each site. This analysis shall be conducted in the manner
recommended by the Soil Conservation Service for soils testing generally and shall
include testing as required by Appendix A of this Ordinance.

5. A hydrogeologic analysis conducted by a certified geologist or registered professional
engineer qualified by education and experience to conduct a hydrogeologic analysis.
This analysis shall be sufficient to determine that the application of sludge or residuals to
the proposed site will meet the performance standards set forth in Article V-8 of this Ordinance and shall include, but not be limited to, the following:

a. A site-specific geologic literature search.

b. Aerial photo interpretation, including a photolineament analysis, to identify potential high-yield aquifers.

c. Documentation of type, depth, yield, static water level, and length of casing of any water wells within 1,000 feet of a proposed spreading site.

d. Reconnaissance field mapping by a certified geologist of the surficial and bedrock geologic of the proposed site and all areas within 1,000 feet, which field mapping shall relate any observed bedrock outcrop fracture orientation and spacing data to the photolineament analysis.

e. Documentation of the hydrogeologic setting of the project site, including but limited to a general description of the depth and expected seasonal variations in the depth to the first ground watertable encountered below ground surface, a description of the general direction of ground water flow up to the point where discharge to surface water occurs, a description of the relationship of the site to any significant aquifers (those producing over 10 gallons per minute to a properly constructed six-inch water well) including bedrock aquifers or inferred bedrock aquifers.

f. A description of the background ground water quality at the upgradient and downgradient edges of the proposed site. This description shall include background levels for any constituent regulated by this Ordinance as per Appendix A.

g. A proposed ground water monitoring plan to be used just prior to and for two years following the application of the sludge and/or ash, including the proposed horizontal and vertical placement of monitoring wells and all domestic wells within 1,000 feet monitored, frequency of monitoring, and precision of measurement for each parameter to be measured.

6. A plan for the independent weekly analysis (per the schedule required in Article V.B.2.a.) of the sludge or residual (required by Appendix A of this Ordinance). Sampling and analysis shall be performed by a State-certified laboratory chosen by the Board in accordance with the DEP document entitled Methodology for Sampling and Analysis of PCDD’s and PCDFs in Sludge and Residuals, and shall be performed on all sludge or residuals without regard to the source.

7. A plan for the submission of the results of the tests required in subsection b and c of Article V.B.2. of this ordinance.
8. A plan for the submission of the results of soils tests to be performed just prior to and twice yearly following the application of the sludge and/or residuals for the duration of the permit sought, including the proposed sampling schedule, sampling locations, and parameters to be measured.

9. The Board may require such other information as it deems necessary.

ARTICLE V: PERFORMANCE STANDARDS

A. General Standards

1. Storage and land application of sludge and residuals is prohibited in Pittsfield unless approval has first been obtained from the Board, the Council and from the Maine Department of Environmental Protection.

2. No sludge or residual may be stored on site in Pittsfield except in a permanent storage facility as provided in the Department of Environmental Protection Regulations Chapter 567 B-4.c. There shall be no winter field stacking of sludge or other residuals in Pittsfield. Stacking per site shall be limited to the amount approved for use on each site.

3. If temporary field stacking is to occur, there must be reasonable precautions taken to prevent leaching and/or dispersal into the air.

4. Spreading shall be allowed only from May 15 to November 15 in any year. Spreading shall not be allowed in any event if it is raining, or if the ground is saturated, frozen or snow-covered.

B. Testing Requirements

Providing that approval of the application is conditioned on approval by the Department of Environmental Protection, the Board shall recommend for approval or conditional approval an application for land spreading (or storage for the purpose of land spreading) if the applicant agrees to comply with any additional testing required by the Board or the Council, including but not limited to the following:

1. Site Testing and Monitoring

a. Soils Analysis: The applicant shall furnish a baseline soils analysis as required in section IV.B.4. and soils testing program in accordance with section IV.B.8. of this Ordinance with the initial application to the Board.

b. Water Analysis: The applicant shall install at least two monitoring wells on each site, the number and location of said wells to be determined by a Board-appointed certified geologist or registered professional engineer qualified by education and experience to
make that determination. The water in these wells shall be tested quarterly for parameters to be approved by the Board based on the actual constituents of the sludge or residual. At the discretion of the Planning Board or at the request of the owner of an existing well located within 1,000 feet of any site proposed for storage or spreading of any sludge or residual, the Board may require baseline and annual water analysis of any well as required by Appendix A of this Ordinance.

2. Characteristics of Sludge or Residuals

a. The Board shall provide for the supervision of an independent random weekly sample of sludge or residuals taken at the point of generation after the product has gone through all processing steps necessary prior to delivery. All testing shall be in accordance with the sixteenth edition of Standard Methods for Examination of Water and Wastewater (1985), published by the American Public Health Association, and the results shall be furnished to the Pittsfield Code Enforcement Officer and/or Board on a schedule approved by the Board.

b. Sludge and Residuals: Sludge and residuals shall be tested for pollutants as required by the Department of Environmental Protection Regulations and as required by this Ordinance. In addition to the above requirements, the Board or its agent shall take a representative composite sample of the actual product delivered to Pittsfield and test by the “EP Toxicity Test” and as required by Appendix A of this Ordinance.

c. No sludge or residual may be delivered to, stored or spread in Pittsfield if testing required by this Ordinance indicates that concentrations of heavy metals, organic compounds or other pollutants exceed the maximum permissible concentrations and/or loading limits appearing in the Department of Environmental Protection Regulations at Chapter 567 B-1.b.

3. Hydrogeologic Criteria

a. No sludge or other residual may be delivered to, stored, or spread on land with a slope of greater than fifteen percent (15%).

b. Where the proposed application site has a slope of 15% or less, no sludge or other residual may be delivered to, stored, or spread within the following setback areas:

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<tr>
<th>Area</th>
<th>Setback Area</th>
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</thead>
<tbody>
<tr>
<td>Residences, classified bodies of water including lakes, ponds, and streams; water supply wells</td>
<td>300 feet</td>
</tr>
<tr>
<td>Intermittent streams</td>
<td>50 feet</td>
</tr>
<tr>
<td>Public roadways, drainage gullies, property boundaries</td>
<td>25 feet</td>
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</tbody>
</table>
Additional setback requirements established by the Department of Environmental Protection Regulations at Chapter 567 B-2.b and B-4.a. must also be met.

c. Notwithstanding the provisions of subsection b of this section with respect to water supply wells, no sludge or residual containing human pathogens may be delivered to, stored, or spread on a site closer than a 200-day hydraulic ground water travel time from the nearest existing water well used for drinking water purposes.

d. No sludge or other residual may be delivered to, stored, or spread over a significant groundwater aquifer, over a primary sand and gravel recharge area, or within the recharge area of a public water supply well.

e. The sludge or other residuals shall not cause the State of Maine Primary Drinking Water Standards or the National Primary Drinking Water Regulations, which are incorporated herein by reference, to be exceeded in the ground water at a distance greater than one hundred (100) feet from the edge of the sludge or other residual spreading boundary, or at the property line, if it is within 100 feet of the sludge or other residual spreading boundary, taking into account existing background ground water quality under the site. The burden shall be on the applicant to show that the sludge or other residual spreading will not cause these standards to be exceeded.

4. Aquatic Impact Criteria

The sludge or other residual spreading shall not cause the National Water Quality Criteria (freshwater chronic criteria), established by the U.S. Environmental Protection Agency (EPA) to protect aquatic organisms, to be exceeded in classified water bodies that will receive runoff from the sludge or other residual spreading site, taking into account the existing quality of those classified water bodies. The freshwater chronic criteria appear in full in the ‘Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses,’ published in the EPA document Quality Criteria for Water 1989, EPA 440/5-86-001. The burden shall be on the applicant to establish that the sludge and other residual spreading will not cause these criteria to be exceeded.

C. Additional Requirements

1. The Board shall not recommend approval of an application for land spreading (or storage for the purpose of land spreading) unless the applicant agrees in writing to furnish the Pittsfield Code Enforcement Officer with copies of all conditions and limitations imposed by the Department of Environmental Protection as well as prompt notice of any changes in the composition of the material, and further testing required by the DEP and the results of those tests, and any annual variations in site spreading or storage plans.

2. The Board shall not recommend approval of an application unless the applicant agrees in writing to notify the Pittsfield Code Enforcement Officer of delivery of any sludge or
residual to Pittsfield, to advise the Code Enforcement Officer of the proposed spreading timetable, and of who is to do the actual spreading. The person spreading sludge or residual shall notify the Code Enforcement Officer as soon as possible prior to spreading, and in any event not later than three (3) days prior to spreading.

3. The Board shall not recommend approval of an application unless the applicant has provided the landowner and the Town with a written statement indicating that the applicant has agreed or will agree to indemnify the owner for any damages which may result from the spreading of sludge or residual.

4. The Board shall not recommend approval of an application unless the applicant has entered into a written conditional buy/sell agreement with the owner establishing a fair market price for the land involved in the sludge spreading or storage and agreeing to purchase the land at that price should damage to the land occur.

5. The Board shall not recommend approval of an application unless the applicant agrees in writing to be financially responsible should the storage or spreading of its sludge prove hazardous to the health and safety of the residents, wildlife, soil, water, and/or air quality of the Town of Pittsfield.

6. The Board shall require that an applicant provide a fence or other barrier suitable to prevent access to the sludge spreading site by unauthorized individuals or animals.

ARTICLE VI: DURATION OF PERMIT: REVIEW PROCESS

A. A permit issued under this Ordinance shall be valid for a period of five years from the date of issuance and shall be subject to annual review by the Board and Town Council.

B. At least fourteen (14) days prior to annual review, but not more than thirty (30) days prior thereto, the Board shall notify the applicant of the review.

C. As part of the annual review, the applicant shall submit the following information to the Board in writing:

1. The names of the applicant and the landowner and the date of the original permit.

2. A narrative describing the following:
   a. the quantity of sludge and/or residual waste supplied the previous year and the number of acres utilized;
   b. any problems incurred the previous year,
   c. any proposed changes in the upcoming year (NOTE: new acreage requires a new
d. any physical or chemical changes in the sludge or residual waste;
e. a sludge or residual waste analysis as required in the initial application;
f. a soil pH for each land acre to which the sludge or residual waste was applied;
g. the results of the quarterly water analysis required under Article V.B.1.b. of this Ordinance;
h. such other analysis as the Department of Environmental Protection or Town Council required in the initial approval.

D. The applicant shall submit a non-refundable annual renewal fee of One Thousand Dollars ($1,000.00).

E. If the Board determines that the conditions of the permit were met for the previous year, the Board shall recommend that the permit continue in effect until the next annual review. The Council may, in its discretion, modify or revoke the permit if actions by the applicant or the operator were in violation of this Ordinance or if the Board finds that continuation of the permit unreasonably threatens human or animal health and safety.

F. Any person applying or storing sludge or residual waste within the municipal boundaries at the time of enactment of this Ordinance pursuant to a license issued by the Department of Environmental Protection may continue to do so for ninety (90) days from the enactment of this Ordinance. By the ninety-first day following enactment of this Ordinance, any such person shall submit an application to the Board as required by this Ordinance prior to continuance of the application or storage activity.

ARTICLE VII: MODIFICATION OF CONDITIONS AND REVOCATION OF PERMIT

If at any time, as a result of any testing required by the Department of Environmental Protection, this Ordinance, or the Board, elements or compounds are found in quantities which may threaten environmental safety or human or animal health, the Board may require additional testing at the applicant’s expense and may modify the conditions applicable to any permit. If the Board as a result of any required testing or risk assessment determines that continued storage or spreading of sludge or residuals unreasonably threatens environmental safety or human or animal health, then it may recommend to the Council such appropriate action as it deems necessary, including limitation, modification, suspension or revocation of any permit.

ARTICLE VIII: ENFORCEMENT AND PENALTY

A. The Pittsfield Code Enforcement Officer shall have the right to enter all land application and storage sites at all reasonable hours for the purpose of inspecting the site for
compliance with this Ordinance.

B. If the Code Enforcement Officer finds violations of any permit conditions or of any obligations imposed by this Ordinance or Chapter 567 of the Department of Environmental Protection Regulations, the Code Enforcement Officer shall issue a written notice to the landowner, the Board, the applicant, the operator (if different from the landowner) and notify the Department of Environmental Protection.

C. The Board, upon finding the provisions of this Ordinance or conditions of approval are being or have been violated, may recommend that the Council temporarily suspend the permit and the Council may revoke the permit after notice and hearing. The Council may take any other action it deems necessary, including prosecution of the code violation pursuant to Rule 80K of the Maine Rules of Civil Procedure.

D. The applicant and/or operator who violates this Ordinance or the conditions of approval, as well as the owner who knowingly permits such violations to occur, shall be guilty of a civil violation and shall be subject to a civil penalty of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) for each offense. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

ARTICLE IX: APPEALS

An aggrieved party may appeal any final action taken by the Council to the Superior Court pursuant to Rule 80D of the Maine Rules of Civil Procedure.

ARTICLE X: VALIDITY, SEVERABILITY, AND CONFLICT WITH OTHER ORDINANCES

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

B. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, code, or statute, the more restrictive requirements shall apply.

ARTICLE XI: AMENDMENTS

This Ordinance may be amended by a majority vote of the Pittsfield Town Council. Amendments may be initiated by a request of the Planning Board, the Town Council, or by petitions bearing the signatures of registered Pittsfield voters equal to, or in excess of, ten percent (10%) of the votes cast in the last gubernatorial election in the Town. The Town Council shall conduct a public hearing on any proposed amendment.
APPENDIX A

TESTING PARAMETERS

1. All Soil, Water, Sludge, and Other Residual Tests shall include pH, Magnesium, Potassium, Phosphorous, Boron, Arsenic, Chloride, Selenium, Fluoride, Sulfate, Aluminum, Sodium, Cadmium, Copper, Nickel, Lead, Vanadium, Zinc, Silver, Barium, Calcium, Iron, Mercury, Manganese, Molybdenum, Nitrate, Nitrite, Ammonium, Total Kjeldahl N., Polychlorinated Dibenzofurans (PCDFs), Polychlorinated Biphenyls (PBCs), Total Organic Halogens (TOX), Polychlorinated Dibenzopyrans, (All Dioxin Cogeners), Chromium (metallic, hexavalent, trivalent).

2. Soil Tests shall also include cation exchange capacity, crop recommendations, texture separate analysis, and percent organic matter.

3. Water Tests shall include color and turbidity.

4. Sludge and Other Residual Tests shall include the percent of components present in the test results of paragraph one (1) of this Appendix A. The percent of loss on ignition shall also be included.
CHAPTER 10. STREET ORDINANCE

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CHAPTER 10. STREET ORDINANCE

ARTICLE 1. REGULATION OF DRIVEWAYS

Section 101. Regulation of Curb Cuts and Service Driveways

No person shall build or construct any driveway providing access to any street within the limits of the Town without first obtaining a permit from the Town Manager or designated representative. Application for such permit shall be submitted in such form as the Town Council may prescribe.

Section 102. Removal of Drainage Facilities

When an applicant’s construction work on driveways requires the moving of catch basins or other drainage facilities, such change shall be made only upon the approval of the Town Manager or designated representative and at the expense of the applicant.

Section 103. Altering Existing Grades

The grade of existing driveways may be altered when such change will not adversely affect or damage adjoining sidewalks and property. Grades shall be approved by the Public Works Director or Town Manager.

Section 104. Number of Driveways Per Property

Not more than two driveways per lot will be allowed, except by Planning Board approval.

Section 105. Safety Islands

Where two driveways are constructed less than 30 feet apart on the same lot, a safety island or barrier of not less than ten feet, parallel to the street, shall be constructed.

Section 106. Limitation of Driveway Extension

No driveway apron shall extend into the Street further than the base of the curb or beyond the gutter line.

Section 107. Driveway Widths

The width of any commercial driveway shall not exceed 42 feet at the curb; a private driveway shall not exceed 20 feet in width at the curb. In rural districts, a private driveway may not exceed 20 feet in width unless the owner shall have agreed to bear the expense of installation, maintenance, and replacement of any culvert.
Section 108. Driveway Restrictions Near Intersections

No driveway shall be built within 25 feet of the intersection of two streets.

Section 109. Applicability

The provisions of this Ordinance shall not apply during construction of a driveway.

Section 110. Violations and Penalties

Any person who builds or constructs a driveway without first obtaining the necessary permit(s) or who otherwise violates the provisions of this Ordinance or subsequent amendments or additions hereto, shall be punished by a fine of not more than $50. Each day such driveway shall remain in violation of this Ordinance shall constitute a separate offense.

ARTICLE 2. LIMITATIONS WITHIN RIGHT OF WAY

Section 201. Obstructions and Encroachments

No buildings, billboards, roadside stands, gasoline pumps or bases, or any other private installations shall be permitted within the existing right of way limits, or any new right of way limits as may be acquired for streets. Advertising signs must conform to the sign provisions of the current Zoning Ordinance.

Section 202. Removal of Existing Obstructions and Encroachments

All buildings or portions of buildings, billboards, roadside stands, gasoline pumps or bases, or other private installations now within the existing right of way limits, except advertising signs which conform to the sign provisions of the Town’s current Zoning Ordinance, shall be removed under the direction of the Code Enforcement Officer or Town Manager when or before construction begins on any street on which obstructions exist.

Section 203. Violations and Penalties

Any person who builds or installs any such obstruction or encroachment within the limits of any right of way, or any person who neglects to remove existing obstruction(s) within thirty (30) days after notification, shall be punished by a fine of not more than $500. Each day that any such obstruction or encroachment shall remain in violation of this Ordinance shall constitute a separate offense.
ARTICLE 3. REGULATION OF PUBLIC STREETS OR WAYS

Section 301. Legal Basis
No street or way shall be accepted as a public street or way by the Town of Pittsfield except in accordance with the provisions of this Ordinance and/or the Subdivision Ordinance of the Town of Pittsfield.

Section 302. Design Standards
The design standards for public streets and ways shall comply with all applicable sections of the Subdivision Ordinance of the Town of Pittsfield.

Section 303. Streets Not In Subdivisions
Before a new street or way which is not part of a subdivision may be accepted by the Town of Pittsfield, the street shall meet all the street design and construction standards and other related provisions of the current Subdivision Ordinance, and shall be approved by the Planning Board prior to its consideration for acceptance by the Town Council.

Section 304. Owner to Assume Construction Costs
A new street or way shall be constructed and sewer/water lines installed entirely at the cost of the developer and/or land owners and abutters.

ARTICLE 4. CONDITIONS OF APPROVAL AND RECORDING

Section 401. Planning Board Approval
A detailed plan to build or construct a street or way shall be submitted to the Planning Board for approval. Planning Board approval of the plan shall be given only when all pertinent information is submitted and it is clearly evident that all design and construction standards are met.

Section 402. Utility Installation
Satisfactory arrangements for the installation of utilities (where utilities have not previously been installed) along the proposed street or way shall have been completed and written evidence presented to the Planning Board.

Section 403. Recording
A copy of each approval plan of a street or way shall be recorded in the Somerset County Registry of Deeds by the developer/owner.
Section 404. Conditions

The Planning Board may add such conditions as are deemed necessary and reasonable.

Section 405. Time Period

Planning Board approval of a plan for a street or way shall be valid for a period of three (3) years.

ARTICLE 5. SUPERVISION, RELEASE OF CONDITIONS, AND ACCEPTANCE

Section 501. Supervision

All street construction and improvements shall be subject to the supervision, inspection, and approval of the Public Works Director or his/her agent.

Section 502. Release of Conditions

Release of conditions of approval shall be granted after satisfactory completion of all construction and/or payment of all costs due the Town.

Section 503. Approval of Alternative Methods

If any question arises about meeting the performance requirements of this Ordinance by use of any alternative technique or material, the decision as to the adequacy of the proposed action rests with the Public Works Director or the Town Manager.

Section 504. Final Approval of a Street or Way

No street or way shall be accepted as a Town street until the Public Works Director, his agent, or the Town Manager shall have made careful inspection of such street and shall have made recommendations to the Town Council with respect thereto. The Town Council shall accept/reject such street based upon the aforesaid recommendations and the recommendation of the Planning Board.

Section 505. Acceptance of Streets or Ways Required by the General Public Interest

Notwithstanding the provisions of this Ordinance and/or the Subdivision Ordinance, the Town of Pittsfield may, at any time, lay out and accept any street or way in the Town as a public street or way, the cost thereof being borne by the Town, for any public purpose or to serve any public utility or facility.
ARTICLE 6. STREET/ROAD OPENING PERMIT REQUIRED

Section 601. Permit Required

It shall be unlawful for any person, firm, corporation or other entity, to tunnel under or to make any excavation in any Town maintained street, road, sidewalk, alley or other public place within the Town of Pittsfield without first having obtained a permit as is herein required, or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit. In the event of a demonstrable extreme emergency when the obtaining of a permit is not feasible (e.g., nights, weekends, holidays) an after-the-fact permit shall be obtained in accordance with Section 612.

Section 602. Applications

Applications for such permits shall be made to the Town Clerk, and shall describe the location of the intended excavation, the size thereof, the purpose therefor, and the person firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

Section 603. Fees

The non-refundable application fee for each such permit shall be $50.00.

Section 604. Deposit

No such permit shall be issued unless and until the applicant has deposited with the Town Clerk a deposit in cash or certified (bank) check payable to the Town of Pittsfield based on the schedule as follows:

1) Excavation in paved surface - $50.00 per square yard.
2) Excavation in concrete - $75.00 per square yard.
3) Excavation in other surfaces - $5.00 per square yard.
4) Direct buried cable - $0.20 per lineal foot.

This deposit is to assure the proper restoration of the opening and resurfacing. From this deposit shall be deducted any expense incurred by the Town in the restoration of the area or resurfacing of the street if this is done by the Town or subcontracted by the Town, at its expense. The deposit or the remaining balance shall be returned to the applicant without interest after the opening is completely restored and approved by the Public Works Director.
Section 605. Excavation

Section 605.1 Prior to excavation

Prior to undertaking any excavation of, or tunneling under, any Town maintained street, road, sidewalk, alley or other public place within the Town of Pittsfield, EXCEPT IN THE EVENT OF AN EXTREME EMERGENCY, notice shall be given to any utility which may maintain any pipe, cable, conduit, or other facility which may be affected or endangered under said Town maintained street, road, sidewalk, alley or other public place within the Town of Pittsfield. For utilities belonging to Dig Safe, notice to Dig Safe shall constitute adequate notice to the specific utility. Notice shall also be given to the Town of Pittsfield Water and/or Sewer Departments in locations within the service area of each or both, and to the Town of Pittsfield Highway Department in areas where culverts or subsurface drainage facilities may be affected or endangered by any excavation or tunnel.

Section 605.2 Manner of excavating

It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit. Proper shoring shall be maintained to prevent the collapse of adjoining ground, and the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

Section 605.3 Damage

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

Section 606. Sidewalks

If any sidewalk is blocked by any such work a temporary walkway shall be provided for pedestrian traffic.

Section 607. Restoration

Any person, firm or corporation making any excavation or tunnel in or under any public Town maintained street, road, sidewalk, alley or other public place within the Town of Pittsfield shall restore the site to its original condition. Backfill materials shall be properly compacted. Fine material, free from lumps and stone, selected from the excavated material or new material brought to the site shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the gravel in lifts consistent with the type of soil involved and the degree of compaction specified by the Public Works Director. Broken pavement, large stones, roots and other debris shall not be used in the backfill. The depth of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner that will result in the restoration of the surface to a density condition not less than that existing prior to the excavation.
The Public Works Director may require compaction tests to be furnished by a certified soil testing laboratory when, in his opinion, backfill for any excavation is not being adequately compacted. All expense of such tests shall be borne by the permittee. Gravel placed in the excavation from the subgrade to the surface shall be placed in no less than two 9" compacted lifts. Depth of the gravel will be a minimum of 18" with no stones larger than 6", and will be better than or consistent with gravel depth adjacent to the excavated area.

Paving of the excavated trenches in bituminous or Portland cement surfaced roads or streets shall be accomplished by the installation of a minimum of 2" of MDOT Type B binder and 1" of MDOT Type D surface course, properly placed and compacted, but in no case shall be less in depth than the adjacent pavement.

**Section 608. Supervision**

The Public Works Director shall from time to time inspect or cause to be inspected all excavations or tunnels being made in or under any public Town maintained street, road, sidewalk, alley or other public place within the Town of Pittsfield to see to the conformance with the provisions of this Article.

**Section 609. Traffic**

It shall be the responsibility of every person, firm or corporation cutting or making an excavation in or upon any public Town maintained street, road, sidewalk, alley, or other public place within the Town of Pittsfield to provide and maintain barricades and warning devices necessary for the safety of the general public. The permittee shall take appropriate measures to assure that during the performance of the excavation work, vehicular and pedestrian traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

When traffic conditions permit, the Public Works Director may, by written approval, permit the closing of a street, road, sidewalk, or alley to all traffic for a period of time prescribed by him, if in his opinion it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

**Section 610. Pavement**

The Public Works Director may prohibit the use of heavy duty pavement breakers when the use of such may endanger existing substructures or other property.

Saw cutting of bituminous and Portland cement concrete pavement ahead of excavation will be required to confine pavement damage to the limits of the trench.
Sidewalk pavement will receive the same treatment as streets.

Unstable pavement shall be removed over cave outs and over breaks and the subgrade shall be treated in the same manner as the main trench. Pavement edges shall be trimmed to a vertical face and aligned with the center line of the trench.

Boring or other methods to prevent the cutting of new pavement may be required by the Public Works Director.

Permittee will not be required to repair pavement damage existing prior to excavation unless its cut results in small floating sections that may be unstable, in which case the permittee shall remove the unstable sections and repave the area.

Section 611. Prompt completion

After an excavation is commenced, the permittee shall perform with diligence and expediency all excavation work covered by the permit and shall promptly complete such work and restore the street or road to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary.

Section 612. Emergency Action

Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced.

Section 613. Concerns

Permittee will be responsible for dust control, noise control and the disposal of any accumulation of unsightly debris or excess of excavated material. The permittee shall also be responsible for the preservation of property line or other monuments. Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed. Permission to remove or disturb such monuments shall only be granted upon condition that the person applying for such permission shall pay all expenses incurred in the proper replacement of the monuments.

Section 614. Penalty

Any person, firm or corporation violating any of the provisions of this Article shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
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CHAPTER 11 PITTSFIELD PUBLIC LIBRARY POLICIES

ARTICLE 1. PUBLIC SERVICE POLICIES

Library policies are the creation of the Library Director and the Library Board of Trustees for the guidance of library operations.

ARTICLE 2. SERVICES OF THE LIBRARY

1. The library staff will select, organize and make available materials for use by the community.
2. Borrowing privileges for library materials are extended to patrons after registration is completed.
3. The library staff will be available during regular hours to provide guidance and assistance to borrowers.
4. The library, through its staff and board, may offer programs, exhibits, book lists, and sales of library materials as appropriate.
5. The library will join other libraries to provide patrons with material beyond that of its own resources through the Interlibrary Loan program.
6. The library will cooperate with other libraries in Pittsfield, but not perform the sole function of the school library.
7. The library will provide services to disadvantaged and medically disabled individuals upon request.
8. Library services will be provided during the hours that best meet the needs of the community as determined by the Board.

ARTICLE 3. LIBRARY CARD POLICY

A core service of the Pittsfield Public Library is the loan of materials to individuals in the community. The library does this by maintaining a database of registered borrowers and giving patrons in good standing access to the collections of the Pittsfield Public Library. Service will not be denied or abridged because of religious, racial, social, economic, or political status; or because of mental, emotional, or physical condition; age; or sexual orientation. In providing borrowing privileges, the library promotes use of materials, ensures the rights of borrowers and protects the interests of the taxpayers.

Section 301. Borrower's Responsibility
1. A library card represents an agreement between the patron and the library. The patron agrees to comply with all library rules and regulations; be responsible for items borrowed on their card, to pay all fines; to be responsible for any loss or damage to materials; to provide immediate notice of any change of address; and to provide immediate notice if the card is stolen.
2. A valid library card or other identification must be presented in order to borrow library materials.
3. The use of the library or its services may be denied for just cause. Such cause may include the failure to return books or pay penalties, destruction of library property, disturbance of other patrons, interference with staff members in the conduct of their duties, or any objectionable conduct on Library premises.

Section 302. Borrower Eligibility
1. The Pittsfield Public Library is supported primarily by taxes paid by residents of Pittsfield. Therefore, library borrowing privileges are available at no additional charge to residents of Pittsfield. Others may apply for borrowing privileges by paying the current fee established by the Town of Pittsfield. Certain non-residents will be exempt from the yearly fee, see list below.
2. The library has a responsibility to protect taxpayers' investment in the collection of the library; therefore identification and verification of residence is required to obtain a library card. Items accepted for identification include, but are not limited to, driver's license, car registration, property tax receipt from town hall, rent agreement, utility bill, or recent cancelled mail received at the applicant's address.
3. In order for a child to get a library card, the parent/guardian/custodial caregiver must be present to give proof of residency and must agree to assume financial responsibility for all materials charged on the minor's card.
4. Borrowers' cards are valid one year from the date of the original application. Before a borrower's privileges are revalidated, all registration information contained in the user record must be verified, and updated if necessary.
Section 303. Categories of borrowers exempt from yearly fee:

Section 303.1
Non-resident Property Owners
Individuals who own property in Pittsfield, but do not live in Pittsfield, are eligible for a one-year library card. In addition to identification and proof of current address as described above, non-resident property owners must present a current, dated Pittsfield tax bill.

Section 303.2
Pittsfield Institution (corporate / organization)
The library issues cards to organizations such as businesses or group homes for business or organization use. Application for a card must be made in a letter on letterhead signed by the individual who will assume financial responsibility for any materials checked out on the card. The letter must state that the individual who signs the letter will assume financial responsibility for library materials checked out on the card, including all overdue fines. The names of all individuals allowed to use the card must be listed in the letter, this letter must be updated yearly or when changes are made to the list of people allowed to use the card. Employees may not use these cards to check out items for personal use.

Section 303.3
Non-Resident Pittsfield School Employees
Non-resident Pittsfield school employees (public, private, and nursery school) are eligible for a card for “classroom use” only which expires the following May 31. In addition to identification and proof of current address as described above, non-resident school employees must present an identification to verify employment by the school. The following type of identification is accepted: List supplied by the school itself, or current pay stub.

Section 303.4
Non-Resident Town Employees
Individuals who are employed by the Town of Pittsfield, but who do not reside in Pittsfield, are eligible for a one-year library card. In addition to identification and proof of current address as described above, non-resident town employees must present identification to verify employment by the Town. The following type of identification is accepted: List supplied by the Town itself, or current pay stub.

ARTICLE 4. CONFIDENTIALITY AND PRIVACY OF LIBRARY PATRON RECORDS POLICY

Section 401. Statement of purpose
The reading activity and interests of library users are and should be private and any attempt to invade such privacy, without direct and legitimate need, is the invasion of the personal right of library users and the "right to read" implicitly guaranteed in the First Amendment of the United States Constitution.

The Pittsfield Public Library recognizes that library records and patron information are confidential. Under Maine law (Title 27, chapter 4a, subsection 121), public libraries are required to keep patron records confidential. These records may only be released with the express written permission of the patron involved or as the result of a court ordered subpoena. Parents should be aware that the Library policy on confidentiality of patron records is in keeping with the Maine State Revised Statutes which provide that all such library records will be confidential to the extent allowed by local, state, and federal laws. Since juvenile patron records are not specifically exempted in this statute, the library trustees have interpreted it to cover all patron records without exception.

The USA Patriot Act of 2001 allows the FBI to obtain search warrants for library circulation records, Internet use records, e-mail, books, floppy disks, and computer hard drives. This act supersedes state law regarding confidentiality. Furthermore, it is illegal for librarians to disclose the existence of such warrants, or to tell patrons if the FBI is investigating them.

The library staff is bound by the American Library Association Code of Professional Ethics which states: “We protect each user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.” Nothing in this policy shall prevent authorized library personnel from using library records in the administration of their regular duties.
When a library staff member contacts an individual regarding overdue materials or material on reserve, the staff member will not leave specific item information with a third party or on an answering machine. Specific item information will only be shared with the person requesting the material. Library staff will leave a phone number for the individual to call.

Each patron has individual control over his or her borrower’s card and presentation of the card permits access to information about the borrower’s current circulation record. Except during the actual period of transaction (circulation, maintenance of record on unpaid fines, reservation of materials), the library will not maintain a record of transactions. When no longer needed for library administration purposes, records will be expunged.

**Section 402. Records Maintained**
The library collects and maintains the following information from patrons:

- All information patrons are required to provide in order to be eligible for a library card, including name, address, and phone number. Date of birth and parent’s name are needed for minors.
- Library card number
- Materials currently checked out and materials returned but not checked out by another patron (e.g. last check out.)
- Materials being kept on hold or in reserve
- Fine amount paid on the last overdue transaction

**Section 403. Records Not Maintained**
The library does not keep the following records:

- Program attendance
- Internet sign up
- Reference questions, interview and consultations
- Database search records
- Internet histories and cookies on public access computers are wiped clean on a regular basis. No files are saved to the computer hard drive. In the event unauthorized files are saved to the computers, they are erased at the end of each day.

**Section 404. Enforcement**
The Library uses the State Statute in enforcing this policy.

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**Maine State Statute***

**Title 27: LIBRARIES, HISTORY, CULTURE AND ART**

§121. Confidentiality of library records

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

**ARTICLE 5. CIRCULATION SERVICES POLICY**

The Library endeavors to provide ready access to materials that are purchased for use by all citizens of Pittsfield by establishing regulations for the loan of materials, including circulation periods, renewal and overdue notification processes.

**Section 501. Loan Periods**
The Library staff shall set loan periods and limits on the number of materials that can be borrowed and borrowing periods for various collections appropriate for the proper use of materials.
Section 502. Interlibrary Loan
A core service of the Library is the access to materials for individuals in the community. The library’s limited holdings are supplemented by those in other libraries in Maine and the rest of the country. The library participates in an interlibrary loan program that permits the library to borrow materials for its patrons from other libraries. The interlibrary loan service is available to all registered patrons whose record is in good standing.

The Library does not charge for interlibrary loan service; however the patron is responsible for charges or fines imposed by the lending library. Every attempt will be made to borrow items from libraries that do not charge fees for loaning materials. If a patron does not wish to borrow an item if charges are imposed (such as insurance fees, lending fees, photocopying charges), this must be stipulated when the request is made. Fines for overdue materials and processing costs for lost items will vary with the lending library and are the responsibility of the patron.

The Library may restrict the number of items requested by an individual patron through interlibrary loan when necessary to ensure fair, equitable, and timely service within the constraints of budget and staffing. This action will only be taken in consultation with the patron and alternative sources for service will be suggested. Requests that staff determines may violate copyright laws will not be accepted.

Section 503. Damaged Materials
Damage to library materials is anything beyond normal wear and tear that permanently and drastically reduces the visual appeal, marketability and usability of an item. Borrowers responsible for damage that is repairable will be charged a fee that is one fourth the replacement cost. This includes replacement of dust jackets, book jackets covers, minor moisture damage, burns from smoking materials, and torn pages. Borrowers responsible for irreparable damage, which includes damage due to pets and severe moisture contact, defacement and disfigurement, will be charged the full replacement cost of the item. Borrowers will not be asked to pay for a damaged item whose overall condition prior to being borrowed would have made it a candidate for withdrawal.

Section 503. Lost materials
Borrowers are responsible for the payment of library materials. The library will refund payment for lost materials if they have been found within three months and they have not already been replaced.

Section 504. Overdue Materials
An important part of maintaining the collection and access to it includes retrieving overdue materials so they are available for the public to use. The Library's goal is to do this in a manner that is both fair and effective.

The Library's structure of fines and overdue notices are used to reduce the number of overdue materials. Materials are loaned by the library with the understanding that the borrower will return them in the same condition and by the due date established by the library. Fines and other outstanding charges will be brought to the customer's attention at the checkout desk. After a patron has received an overdue notice and if the item is not then returned, a bill will be sent for the cost of the lost item. Patrons are encouraged to notify the Library should an overdue notice be received for an item which they believe has been returned.

The Library will attempt to recover overdue materials by notifying patrons according to established procedures. The Pittsfield Public Library Trustees believe that an individual, who chooses to keep materials past the due date, or refuses to settle unpaid fines, compromises to some extent his or her right to privacy. Information regarding overdue and non-returned materials may be disclosed by the Pittsfield Public Library to the Pittsfield Police Department and/or the Twelfth District Court, Skowhegan when the library has completely exhausted the following policy procedures in an effort to retrieve overdue materials.

The Library will also provide sufficient information to allow any individual other than the holder of the borrower's card to settle unpaid fines or fees on that card. However, authors, titles or subjects of lost or overdue materials will not be discussed without the permission of the borrower.

Section 504.1 Enforcement
The Library uses the State Statute in enforcing this policy.
ARTICLE 6. REFERENCE AND INFORMATION SERVICES POLICY

The library provides Reference and Reader's Advisory service to help people find information, select library materials, and use library and other information resources. The library provides access to information in print, electronic and other appropriate formats to meet the needs of the community. Staff members use professional judgment to assess needs and provide information, assistance or instruction appropriate to individual requests. Patrons may contact the library in person, by telephone, or through electronic mail. Reference services are available to all individuals who come into the library. Telephone reference service may be limited to patrons in our service area at the discretion of the library staff on duty. In-library patrons receive priority service from reference staff over telephone callers.

Access to information in whatever format is administered impartially and confidentially. Reference staff may consult with each other when necessary to serve the patron or consult with staff at other libraries, agencies, and organizations. In all cases, patron confidentiality and privacy will be maintained.

1 ARTICLE 7. PUBLIC COMPUTER USE AND INTERNET SAFETY POLICY

The Library provides computer services, including free access to the Internet, in accord with its goal to enrich the community by connecting people to the world of ideas, information, and imagination to support their work, education, personal growth, and enjoyment. These electronic resources and services meet the cultural, educational, informational, and recreational needs of the community.

It is the policy of Library to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Section 701. Internet Use Disclaimers

The Internet is a global computing network that provides access to a wide range of educational, reference and recreational resources, many of which are not available in print. The Internet does not fall under the control or governance of any single agency, government or organization, and therefore the Library can make no guarantees regarding the accuracy, content, nature or quality of information obtained through the Internet. Further, the Library does not endorse viewpoints presented on the Internet.

In no event shall the Library have any liability for damages of any kind arising from its connection to the Internet. Users of the Library’s computers and Internet access, wireless internet access, including, in the case of minors, their parents or guardians, agree to assume full liability (legal, financial or otherwise) for actions.

Section 702. Disclosures:

Internet access in the Library allows access to ideas, information, images and commentary beyond the scope of the Library’s collections, selection criteria and collection development policy. Some of the Internet material may be controversial. Court decisions over the years have interpreted the Library to be a “limited public forum” and, as such, the Library may not discriminate against constitutionally protected content or viewpoints.
The exception to the “limited public forum” doctrine is the Children’s Internet Protection Act (CIPA). Under CIPA it is not acceptable for a minor to receive any material through any website, Email, chat room or other direct electronic communication, if it is deemed harmful to minors. CIPA defines harmful as “any picture, image, graphic image file, or other visual depiction” that, with respect to minors, which:

- taken as a whole, appeals to a prurient interest in nudity, sex, or excretion
- depicts, describes, or represents, in a patently offensive way, an actual or simulated sexual act or sexual conduct, actual or simulated normal or perverted sexual acts, or a lewd exhibition of genitals
- taken as a whole, lacks serious literary, artistic, political, or scientific value.

To offer some safeguards for children, the Library provides filtered access for individuals using library computers. A filter is third-party software that blocks access to certain websites. Parents and guardians should understand that filters limit, but cannot eliminate, a child’s exposure to potentially harmful or undesirable information. Therefore, it is a parent or guardian’s responsibility to monitor and control the internet usage of minor children. The library will implement filters that endeavor to identify sites that would not comply with the provisions of CIPA (visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors), but will not apply filters to generic word lists or lists of sites not relevant to CIPA. The library staff is available to assist with advice about children’s use of the Internet and to answer questions or concerns.

The Library’s computers are also subject to access by law enforcement authorities, acting through federal or state law. The Library will cooperate in the prosecution of violations arising out of use of its computers for illegal purposes and activities.

Section 703. Guidelines for Use
Library users of the public computers or wireless internet services may not perform the following actions and Library staff shall intercede when these policies are violated.

- Use these services in a way that violates local, state or federal law. Illegal acts involving Library resources may be subject to prosecution by local, state or federal officials.
- Gain unauthorized access, including so-called ‘hacking,’ and other unlawful activities.
- Attempt to change any pre-established system configurations.
- Install or download any software onto the computer hard drive or BIOS.
- Damage computer equipment or software.
- Allow unauthorized disclosure, use, and dissemination of personal identification information regarding minors.
- Compromise the safety and security of minors when using e-mail, chat rooms and other forms of direct electronic communications.
- Post, transmit, access, or display obscene or sexually explicit images and illegal material.
- Use the services to harass or defame others.
- Violate copyright laws or software licensing agreements.
- Use sounds or visuals which may be disruptive to others.
- Violate another Library user’s privacy.

Patrons may save data to preformatted discs, or to their own external drives. They may not save to the hard drives of library computers. If a working copy of a document is left on a library computer, there should be no expectation that that document or file will be available at a future session.

Library staff may disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Section 704. Security
The Library endeavors to protect the privacy and confidentiality of library users. Internet users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.
Please note that the wireless access provided by the library is non-secured and potentially subject to monitoring by third parties within range of the building and with the technical capability to do so.

Patrons must be responsible for protecting their privacy and the confidentiality of their information.

Section 705. Education, Supervision and Monitoring
It shall be the responsibility of all members of the Library staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children’s Internet Protection Act, the Neighborhood Children’s Internet Protection Act, and the Protecting Children in the 21st Century Act.

Section 706. Enforcement
Enforcement of this policy will be done in accordance with the library’s behavior policies. The Library’s staff will develop such procedures and guidelines as are necessary to ensure the fair and reasonable use of Internet resources.

ARTICLE 8. BEHAVIOR POLICY

The Pittsfield Public Library welcomes the community to the library for purpose of reading, studying, researching, quiet use of library materials, facilities, equipment, and participating in library programs. Those using the library and its resources have the right to expect a safe, orderly, and comfortable environment in which all library patrons can use the library’s materials and services effectively without being unduly disturbed or impeded by other library users. Patrons should be mindful of the effects of their behavior on others using the library's facilities. Parents are responsible for the conduct of their children in the Library.

People demonstrating disruptive behavior will be required to leave the library after one warning from the library staff. Disruptive behavior includes, but is not limited to, noisy, boisterous actions; misuse of library property; uncooperative attitude; or actions that deliberately annoy others or prevent the legitimate use of the library and its resources. Abusive language and behavior towards staff or patrons will not be tolerated. Personal appliances, such as computers, audio players may be used if the noise level is low and does not interfere with others.

Violation of this policy will subject the offender to one (1) verbal warning. Should the offender continue to disregard this policy, the offender will be ordered to leave the premises immediately and for the remainder of the day or longer. The offender may be subject to revocation of library privileges for a length of time at the discretion of the Library Board upon recommendation of the Director. A person who has left the library or has been removed from the library due to noncompliance with this library policy may be readmitted to the library if staff is reasonably certain that the person’s unacceptable conduct will not be repeated.

Behavior Guidelines
While at the Library, or on Library grounds, patrons are to be engaged in the activities associated with the use of a library. The primary rule is to be kind to and respectful of people and property.

The following is not acceptable:

- Engaging in conduct which is inconsistent with the purpose of the Library, disrupts the orderly operation of the Library, or interferes with the use of the Library by others
- Any behavior that disrupts or hinders public use of the Library is prohibited on Library property. This includes, but is not limited to, loud or boisterous behavior, verbal or physical harassment, drunkenness, running, and fighting.
- Leaving children or dependent persons unattended (See Safe Child Policy)
- Playing audio devices except through headphones at a level not audible to others
- Tobacco use, eating, drinking or bringing food or beverages in opened containers into public service areas, except in meeting rooms when refreshments are approved in advance or at Library functions.
- Being under the influence of, or distributing alcohol or other drugs; or engaging in the use of illegal substances.
- Entering or being in the building without being fully clothed. This includes but is not limited to wearing a shirt and shoes.
- Selling products or services, or solicit donations, except as part of a Library-sponsored program.
• Animals, except those used to aid persons with disabilities, are not permitted in the Library, except as part of a Library-sponsored program. Animals may not be left unattended on Library property.
• Blocking aisles or entrances in a manner that limits access to Library materials or services.
• Damaging, defacing, or illegally removing library materials or property.
• Personal hygiene that disrupts others from using library facilities, collections or services. Examples (includes but is not limited to): Obnoxious body odor or overpowering perfume or cologne.
• Any act forbidden under federal law, the statutes of the State of Maine, or Ordinances of the Town of Pittsfield.

ARTICLE 9 HARASSMENT AND LEWD BEHAVIOR POLICY

Patrons and staff have the right to enjoy an environment free from harassment or lewd conduct. Anyone, including patrons, who harass staff or another patron will be asked to leave the library and a report will be filed with the director. Repeated acts of harassment or acts that may escalate into violent or illegal actions will be reported to the police.

Lewd acts or sexual misconduct is not appropriate in the library. Those who commit minor acts, such as teenagers who “make out” in the library, will be given one warning and then asked to leave. Serious acts and acts involving minors will be reported to the police. All serious acts will be reported to the director.

ARTICLE 10. SAFE CHILD POLICY

The Pittsfield Public Library welcomes patrons of all ages to use its facilities and services, children are especially welcome. The Library has the responsibility to provide an environment that is safe and comfortable for every patron who is appropriately using its services and facilities.

Responsibility for the welfare and the behavior of children using the library rests with the parent/guardian or an assigned chaperone. The Library staff does not take the place of a parent, act as babysitter, or assume responsibility for unsupervised children. Though staff will always respond with care and concern, they cannot assume responsibility for children's safety and comfort when they are unattended.

ARTICLE 11. MEETING ROOM POLICY

The Pittsfield Public Library provides meeting rooms as a limited public forum to support its informational, educational, and recreational mission and roles. The Library meeting room use will not be denied to any person or organization because of race, creed or color. The Library Board of Trustees subscribes to the tenets of the Library Bill of Rights, which states in part: “Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.” Use of the meeting room does not constitute library endorsement of the viewpoints expressed by the participants in the programs. The library’s name may be used only in reference to location, not sponsorship.

Requests for use of the rooms will be approved by the Library Director according to the following priorities:
1. Library Programs and Meetings – which involve efforts of Library staff, Library Board, Friends of the Pittsfield Public Library.
2. Local Government Meetings/Programs – official meetings or programs Town of Pittsfield.
3. Educational or training programs and meetings associated with a public agency.
4. Community-oriented groups (meetings must be open to the public).
5. Meetings or programs of nonprofit educational, cultural, civic or social organizations—open to the public. Priority will be given to Pittsfield organizations.
6. Activities of for-profit organizations/businesses – classes, workshops, and meetings, excluding activities that result in direct profit, promotion, sales solicitations, or requiring a fee to attend.
Room Usage Guidelines

- All meetings must be open and free to the public. Groups may not charge admission nor solicit or require donations for their meetings. No products or services may be solicited or sold except at Library-sponsored events.
- Any advertisement for the meeting or program must include the following disclaimer: “The Pittsfield Public Library is not sponsoring or endorsing this program or any goods or services offered.”
- No person shall be excluded from attendance except in order to comply with the occupancy limit applicable to the meeting room in question.
- Meetings shall not interfere with the public’s use of the Library through noise, activity outside the meeting room, or other disturbance that violates the Public Conduct Policy.
- Meetings must take place during regular Library hours unless prior arrangements have been made with the Library Director. When the Library is not open, provisions must be made for opening and locking the Library.
- Set-up and special arrangements are the responsibility of the user. No special room set-ups will be provided by the Library.
- At the close of the meeting, the room must be left neat, clean and orderly. All chairs, tables, etc., must be replaced in their original positions.

ARTICLE 12. COMMUNITY INFORMATION DISTRIBUTION

The Library encourages the display of information bulletins, brochures, and posters regarding area educational, cultural, charitable, and civic events of interest to the community. The community information area includes a bulletin board and a display rack. This public service is in keeping with the Library's overall philosophy of providing access to a wide range of information sources.

ARTICLE 13. MERCHANDISE SALES POLICY

The sale of goods or services by the general public is not allowed in the library building, on the library grounds, or in the parking lot. Only Library sponsored groups or activities are permitted to hold sales. Individuals or groups who are speakers at a Library-sponsored program may sell their books or merchandise that relate to the topic of that particular program. The presenter is responsible for all financial transactions, including collecting and filing applicable sales tax. The Library staff is not expected to order books, keep inventory, or handle money from such sales.

ARTICLE 14. EXAM PROCTORING POLICY

Distance Learning and Correspondence Courses are increasingly popular methods of obtaining advanced education, and are often the only way citizens can complete specialized programs of study locally and in a cost-effective manner. The Library agrees to cooperate with institutions of higher learning in providing exam proctoring services as a courtesy to area residents to support their lifelong learning goals. This service is subject to the availability of authorized staff. While staff will make every effort to meet individual needs, its primary obligation is to meet the information needs of the general public. If proctoring an examination interferes with that, the staff cannot offer the service.

Proctoring Guidelines

The Library will:

- Receive tests for students, provide a librarian to set up the exam situation and sign the appropriate paperwork. However, it is the student's responsibility to contact the library to verify receipt of the test. All tests should be sent through the mail address to: Reference Desk, so that the student is not bound by an individual librarian's schedule for test proctoring. Examinations should be sent to the Library in a sealed envelope.
- Make the student aware of any specific institutional guidelines (e.g. no notes, no open books, etc.)
- Provide a study room for test-taking.
- Send the completed exam back to the institution, but postage must be prepaid by the institution or the student.
The Library cannot:

- Provide a locked or secure place for the test.
- Provide a librarian to monitor the test-taking one-on-one.
- Provide proctoring to groups of students.
- Provide extended computer time on Library Internet or Word processing computers. Computer use has a one hour maximum limit if others are waiting and reservations are not taken. There is wireless access.
- Fax completed exams.
- Accept the receipt of exams via email. Nor can the library receive passwords or logins to access electronic tests.

The student will:

- Call the reference desk to verify receipt of the exam, and make an appointment to take the test and reserve a study room for that time.
- Allow sufficient time to take the test before the deadline established by the institution. The library will hold tests for 60 days or the test’s stated deadline and if the student does not pick up the test by that time it will be returned to the institution.
- Come prepared with the necessary or required supplies to take the test.
- Provide postage if the institution does not.
- Allow sufficient time for normal mailing.

ARTICLE 15. VOLUNTEER POLICY

The Pittsfield Public Library welcomes and encourages members of the community to volunteer their time and talents to enrich and expand library services. Volunteering serves as a method for area residents to become familiar with the library and creates opportunities for individuals to feel personal satisfaction while performing a valuable service for the community.

A volunteer is a person who performs tasks for the Pittsfield Public Library without wages, benefits, or compensation (including travel expenses) of any kind. Services provided by volunteers will supplement, but not replace, regular services, and volunteers will not be used in place of hiring full or part-time staff. Volunteers may be used for special events, projects, and activities or on a regular basis to assist staff. Volunteers may apply for paid positions under the same conditions as other outside applicants. In accordance with labor laws and the policies of the Town of Pittsfield, paid staff may not volunteer their services except with written permission from the library director. Staff may volunteer in other departments of town government outside the library. The Town requires that negligence on the Town’s part for volunteers to collect on the Town’s self-insured liability coverage. Only the volunteer's own auto coverage will cover auto claims.

Service volunteers are recognized by the public as representatives of the library and shall be guided by the same work and behavior codes as employees. Volunteers are interviewed, trained and supervised by library staff. Volunteers are selected and retained for as long as the library needs their services. They work with the status of “at-will” employees. Volunteers may or may not be members of the Friends of Pittsfield Library.

Service volunteers who work on a regular basis will fill out a volunteer form that will be kept on file in the library. Minor children may only work as volunteers with the consent of a parent or legal guardian. Volunteers will keep a record of hours worked at the library. Annual recognition will be given based on the number of hours of service.

ARTICLE 16. COMMUNITY AND PUBLIC RELATIONS POLICY

Public relations involve every person who has any connection with the library, i.e., staff, trustees and volunteers. The Librarian is charged with the primary responsibility for public relations and publicity. Public relations shall consist of, but not be limited to, press releases and posters pertaining to special and regular library programs; regular postings of lists of new additions to the collection; exhibits or displays of seasonal or current issues of interest to the
The Pittsfield Public Library encourages the interest and involvement of citizens and organizations in its service program through contributions of book or non-book materials for collections, appropriate gifts which will enhance the physical environment, and bequests, trusts, or donations of monetary or other assets for Library purposes. It is understood that special gifts and bequests should not take the place of public support or cost-effective use of current income, but should enable the Library to provide and enhance services in ways not financially possible within the current annual operating budget.

The purpose of this policy is to establish guidelines and regular procedures for receipt, management and disposition of funds or other properties received by the Library as gifts.

Policy
In general, the Pittsfield Public Library welcomes gifts of books, materials, equipment, works of art, documents, photographs, property of any kind, and money. Gifts for the library should be of such nature that usage of them falls within the Mission Statement of the Library. The Library reserves the right to refuse any gift that the Board of Library Trustees, in its sole discretion, deems to be not in the best interests of the Library to accept.

If a gift is accepted by the Library, the gift shall be final and no restrictions on the Library's ownership, possession, use or disposition of the gift shall be effective other than restrictions approved by the express vote of the Board of Library Trustees and memorialized in writing.

Guidelines

Materials: Donations of new and used books, audio recordings, videos, and other similar materials will be accepted under the criteria of the collection development policy and with the understanding that items which are not added to collections will be disposed of at the discretion of the Library. These items may be given to the Friends of the Library for sale, given to other libraries, or discarded. Donors should check with Library staff for any specific restrictions.

Collections: Gift collections will be accepted only by the Director in consultation with the Board of Trustees, and with the understanding that the collection may not be kept intact.

Recognition gifts: The Library welcomes monetary gifts for purchase of materials for the collections given in recognition of individuals or organizations. The library staff will choose items which accommodate the donor’s subject or title preferences, whenever possible.

The names of the donor(s) and those recognized by the gift will be listed on a bookplate affixed to the material, if so desired. Programs and services made possible by gift funds will include recognition of such benefactors in their supporting literature. If requested, notification of memorial or honorary contributions will be sent to the family of the person being recognized. Recognition of gifts may be made through the library's publications. Major donations may also be announced in the local newspaper.

Other monetary gifts: The Library welcomes gifts of cash or stock. If the gift is used to purchase library materials, library staff will try to accommodate the donor's subject or title preferences. A plate with the donor's name will be affixed to the item purchased, if so desired.

Real estate or other personal property: The Library will accept gifts of real property that support the mission of the Library. Such offers will be handled by the Director, who in consultation with the Board of Trustees will determine the suitability of the gift and the terms of acceptance compatible with the Library's mission and policies, the donor's intent, and applicable laws.
Art & decoration objects: In general, gifts of art objects shall be of local interest to the community, of a professional quality, well executed and in good condition. As with all other gifts, art objects will be accepted only with the donor's full agreement that the Library has the right to handle or dispose of the gift in the best interests of the institution.

Because of the Library's limited display and storage areas and focus on its primary mission as a Library and not a museum, potential donors of art & decorative objects are requested to discuss any possible gifts with the Director and Board of Trustees.

No gifts posing a danger or threat to patrons will be accepted (e. g. metal sculpture with sharp, moving parts.)

Valuation: The Library will provide a timely, written acknowledgment of the receipt of gifts to the donor and, if desired, to a recognized individual or organization. Income tax regulations leave the determination of the gift's monetary value to the donor. Donors wishing to have an appraisal of their gifts done for income tax purposes should do so prior to donation. Donors requesting a receipt for items given will be provided a completed copy of a “Receipt for Donated Materials” form.

Future disposition of gifts: Libraries used extensively by their patrons sustain losses through theft, mutilation, and ordinary wear. Resources with obsolete and/or misleading information may be discarded with time. The Library therefore cannot guarantee that any gift will be part of the collection or furnishings permanently. Donated items become the exclusive property of the library and may be given to other Town departments, the Friends of the Library, other libraries or non-profit institutions, altered, displayed, stored, traded, converted, sold, or otherwise disposed of in the sole discretion of the library director and the library board. Donated items will not be returned to the donor.

Solicitation of gifts: The library will work with the Pittsfield Public Library Trustees and the Friends of the Pittsfield Public Library to develop appropriate methods for the solicitation of gifts.

Town Regulations regarding donations of money: Once approved by the Library for acceptance, all donations of money must be submitted to the Town Council for acceptance. All uses and/or expenditure of donations of money must be in accordance with town regulations and rules.

1 Ordinance 16-07, 06/21/2016
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CHAPTER 12. E-911 ADDRESSING ORDINANCE

Section 101. Title

This Ordinance will henceforth be known as the Town of Pittsfield “E-911 Addressing Ordinance.”

Section 102. Purpose

The purpose of this Ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Pittsfield.

Section 103. Authority

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

Section 104. Administration

This ordinance shall be administered by the Tax Assessor and Code Enforcement Officer who are 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 5 and 6. The Assistant Treasurer shall maintain the following official records of this ordinance:

a. A municipal map(s) for official use showing road names and numbers.

b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Town Council shall designate the Assistant Treasurer as the Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

Section 105. Naming Systems

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.
The following criteria shall govern the naming system:

a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).

b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).

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

Section 106. Number System

The following criteria shall govern the numbering system:

a. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.

b. All number origins shall begin from the center of Town or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the numbered interval falling closest to the driveway of said structure. For structures with no driveway or with a parking lot the number assigned shall be that of the numbered interval falling closest to the center of the front door of the structure.

d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt. 2.

Section 107. Compliance

All owners of structures shall, by the date stipulated in Section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.

b. Number at the Road Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a
post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

c. Size, Color, and Location of Number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.

d. Proper number. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 108. New Construction and Subdivisions

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

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Code Enforcement Officer, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 25 feet so as to aid in the assignment of numbers to structures subsequently constructed.

Section 109. Effective Date

This ordinance shall become effective as of July 19, 2005. It shall be the duty of Assistant Treasurer to notify by mail each property owner and the U.S. Postal Service of their new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 110. Enforcement

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town
of Pittsfield to identify violations of the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the owner or occupant, indicating the nature of the violation and ordering the action necessary to correct it. He shall also notify the Council of the written notice of a violation.

a. Legal actions and violations. When any violation of any provisions of this Code shall be found to exist, the Town Council, after notice from the Code Enforcement Officer, shall assume sole responsibility for resolving the violations. This responsibility may not be delegated. The Council may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. This provision shall not prevent any person aggrieved by a violation of this Code from taking appropriate legal action against the violator.

b. Fines. Any person, firm, contractor or agent being the owner of or having control or use of any building or premises who violates any of the provisions hereof shall be in violation of this Ordinance and subject to an enforcement action under the terms of 30-A M.R.S.A. Section 4452.
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CHAPTER 13. ZONING ORDINANCE

SECTION 1 - GENERAL

A. TITLE

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Pittsfield, Maine, and will be referred to as “this Ordinance.”

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), the State’s growth management law, Title 30-A, MRSA, Sections 4211 et. seq.

C. PURPOSES

The purposes of this Ordinance are to implement the provisions of the Town’s Comprehensive Plan; to encourage growth in the identified growth areas of the community, and to limit growth in the rural areas; to promote the health and safety and general welfare of the residents of the community; to encourage the most appropriate use of land throughout the community; to promote traffic safety; to provide safety from fire and other elements; to provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; to conserve natural resources; and 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 control building sites, placement of structures and land uses; to conserve natural beauty and open space.

D. APPLICABILITY

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Pittsfield, except for those areas designated under the Town of Pittsfield Shoreland Zoning Ordinance.

E. 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, other than Shoreland Zoning Ordinance, regulation or statute, the more restrictive provision shall control.

This Ordinance supersedes and replaces the Pittsfield Zoning Ordinance, which became effective on July 3, 1986.

F. VALIDITY AND 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.
G. EFFECTIVE DATE

1. The effective date of this Ordinance shall be thirty (30) days after its date of adoption by the Town Council on June 6, 2000. The Ordinance shall apply to all proceedings, applications and petitions not pending within the meaning of Title 30A, M.R.S.A., Section 3002 as of the date of adoption of this Ordinance.

H. AMENDMENTS

1. An amendment of this Ordinance may be initiated by the Planning Board provided a majority of the Board has voted to do so; a request of the Council to the Planning Board; a written petition of a number of voters equal to at least ten per cent (10%) of the number of votes cast in the municipality at the last gubernatorial election.

2. An amendment of this Ordinance may be adopted by a majority vote of the Council if the proposed amendment is recommended by an affirmative vote of at least four members of the Planning Board; or, at least five affirmative votes of the Council if the proposed amendment is not recommended by at least four members of the Planning Board.

   In either case, the Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the governing body. Notice of the hearing shall be given in accordance with the requirements of 30-A M.R.S.A., Section 4352 as may be amended from time to time.

3. No proposed change in this Ordinance which has been unfavorably acted upon by the Council shall be considered on its merits by the Council within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended by the unanimous vote of the Planning Board.

SECTION 2 - NON-CONFORMANCE

A. PURPOSE

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

B. GENERAL REQUIREMENTS

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 pursuant to this Ordinance, 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. It also
allows changes in a non-conforming use or structure required by federal, state or local building and safety codes.

C. NON-CONFORMING STRUCTURES

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the Code Enforcement Officer, if such addition or expansion does not increase the non-conformity of the structure.

   Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that: 1) the structure and new foundation are placed such that the setback and other dimensional requirements are met to the greatest practical extent as determined by the Code Enforcement Officer, basing his or her decision on the criteria specified in subsection 2. Relocation, below; 2) the completed foundation does not extend beyond the exterior existing dimension of the structure; and 3) the foundation does not cause the structure to be elevated more than three (3) additional feet.

   Lot Lines: No structure which is less than the required setback from a property line or the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the property line or 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 or other dimensional requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system (if applicable) meets the requirements of State law and the State of Maine Subsurface Water Disposal 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 or other dimensional requirements to the greatest practical extent, the Code Enforcement Officer shall base his or her decision on the size of the lot, the slope of the land, the potential for soil erosion, 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, or from the property line, or which otherwise fails to meet the dimensional requirements of this Ordinance, and which is removed or damaged or destroyed by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with the setback or other dimensional requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system (if applicable) meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. 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 percent 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 setbacks to the greatest practical extent, the Code Enforcement Officer 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 Code Enforcement Officer, after reviewing a written application, determines that the new use will have no greater adverse impact than the existing use.

In determining whether a greater adverse impact will occur, the Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects of the change 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 historical resources, and the character of the neighborhood.

D. NON-CONFORMING USES

1. Continuance of Non-Conforming Uses: Any use of land, buildings or structures that was lawful at the time of adoption of this Ordinance may continue, although such use does not conform to the provisions of this Ordinance.

2. Expansions: Non-conforming uses may, after obtaining a permit from the Planning Board, be permitted to expand on a lot of record legally existing as of the effective date of this Ordinance.

New Structures: Where a legal non-conforming use exists a new structure may be allowed when this structure will have no greater adverse impact on adjacent properties. In making this determination the Planning Board shall utilize the Site Plan Review Ordinance to evaluate any potential changes.

In granting a permit for the expansion of a non-conforming use the Planning Board must determine that the expanded use will have no greater adverse impact on adjacent properties. In making this determination, the Planning Board shall evaluate changes in noise, traffic, parking, odors, litter or other nuisances likely to result from the expanded use.

3. Discontinuance of Non-Conforming Uses: 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.

4. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.
The determination of appropriateness shall be based on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests.

In determining that greater adverse impact will not 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 historical resources, and the character of the neighborhood.

25. Notwithstanding Section 2.D. of this Ordinance, the Planning Board may, upon determining that a structure/lot is of such design and/or configuration that it can not reasonably be converted to a conforming use, allow the reestablishment of a non-conforming use. The Board shall use the criteria in Section 2.D.4. for its review.

E. NON-CONFORMING LOTS

1. Non-conforming Lots: A vacant, non-conforming lot of record legally existing as of the effective date of this Ordinance or amendment thereto, and in separate ownership, may be built upon without the need for a lot size variance.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in the same ownership of record at the time of effective date or amendment of this Ordinance, and 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 lots of at least 10,000 square feet are created in areas with Town water and sewer and at least 20,000 square feet in all other areas of Town and meet the requirements of the State Subsurface Wastewater Disposal Rules.

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 the same 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.

F. MAINTENANCE AFTER CASUALTY DAMAGE

Within a period of 90 days after casualty (see Definitions) damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas, the demolition of any
structures not to be repaired and the removal of all debris connected therewith. The Code Enforcement Officer may grant an extension under certain hardship conditions.

RESPONSIBILITIES

Owners, operators, and occupants of properties shall maintain the structures and exterior property grounds in compliance with this ordinance. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as so as not to cause a blighting problem or adversely affect the public health and safety and to avoid any adverse effects to the adjoining properties.

ENFORCEMENT & PENALTIES

Method of Service

The Code Enforcement Officer shall issue a notice of violation for any violation of this subsection. Such written notice of violation shall be served by one more of the following methods: 1. Delivered personally by hand delivery, 2. Sent by certified mail and first class U. S. mail addressed to the last known address. 3. A copy of the notice may also be posted in a conspicuous place in or about the structure or property affected by such notice.

Said notice shall explain the nature of the violation and require corrective action within 30 calendar days from the date of the receipt of the notice to correct the violation; 7 days for a health and/or safety violation. The violator may appeal the Code Enforcement Officer’s decision to the Board of Appeals. A written application for appeal must be filed within 7 days of the notice of violation or order being served by the Code Enforcement Officer. Appeals of notices and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Appeals. The number of days given for compliance shall start after the Board of Appeals has heard the appeal.

If a violation is not corrected within the time allowed, the Town may pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30A-M.R.S.A. Section 4452. The Town shall retain all penalties set forth in this ordinance. The Code Enforcement Officer may after approval of the Town Council represent the Town in District Court. However, should the services of the Town Attorney be required, the case shall first be reviewed with the Town Council.

EXTENSION REQUESTS

Violators may submit a written request to the Code Enforcement Officer for a one-time extension of time to correct any violation under this subsection. The extension of time may be given for financial hardship. Evidence of hardship must be provided by financial documentation such as proof of expensive and other relevant information. If a violation is discovered during winter months (November 1 - April 1) and if winter weather prevents the correction of a violation/s a one-time extension of time for winter conditions may be given. These extensions for financial or seasonal hardships shall be at the discretion of the Code Enforcement Officer. The Code Enforcement Officer may offer one (1) special extension of up to 180 days to violators of this ordinance if a hardship can be shown.
G. VESTED RIGHTS

Non-conforming use rights do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights may arise when actual substantial construction has begun, or in the case of pending applications, when the substantive review process to determine compliance with substantive performance standards on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

SECTION 3 - ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

The Town of Pittsfield is hereby divided into the following classes of districts as shown on the Rural and Urban Land Use Maps, dated October 1977, revised November 1999 and January 2000, attached hereto and incorporated herein. District boundaries that abut a road are divided at the road’s centerline. Where any ambiguity exists concerning the permissibility of a use, the Code Enforcement Officer shall make a determination.

RESIDENTIAL DISTRICTS

One Family Residential District - R-1
One and Two Family and Mobile Home Residential District – R-2
One and Two Family Residential District – R-3
One Family and Community Residential District – R-4

COMMERCIAL DISTRICTS

Town Center District – C-1
Highway Commercial District – C-2

Industrial District – C-3
Corridor Development Overlay District (CDOD)
Medical Services Overlay District (MSOD)

RURAL DISTRICT

Rural District – C-4

SPECIAL DISTRICTS

Agricultural Protection District (APD)
Riverfront District (RF)
Scenic Overlay District (SOD)
Airport Overlay District (AOD)
B. ONE FAMILY RESIDENTIAL DISTRICT (R-1)

The purpose of the R-1 residential district is to provide an area for high quality, upscale single-family neighborhoods on larger lots served by the Town’s water and sewer departments. Privacy between homes and isolation from commercial and industrial land uses characterize this district. High quality planned residential developments with nicely landscaped grounds may be compatible with the single-family homes in this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table P.

C. ONE AND TWO FAMILY AND MOBILE HOME RESIDENTIAL DISTRICT (R-2)

The purpose of the R-2 residential district is to provide for affordable, medium-density housing. Planned unit developments, professional offices, and civic uses such as schools, churches, parks and community centers are appropriate for this district. In order to meet the goals of the Comprehensive Plan to keep 75% of the new housing units in the urban area, it is also appropriate for two-family dwelling units to add or expand to a third unit. Day care centers, nursery schools, boarding homes and assisted living facilities are appropriate conditional uses in this district if the integrity of the principal uses is protected.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table P.

D. ONE AND TWO FAMILY RESIDENTIAL DISTRICT (R-3)

The purpose of the R-3 residential district is to provide guidelines to protect the character of the traditional, medium density residential neighborhoods that were developed in the mid- to late-1800s. Much of the older portion of in-town Pittsfield is designated in this district and is characterized by well-kept, older, traditionally styled homes. Supporting services for residential neighborhoods, such as schools, libraries, parks, and churches are appropriate in this district. Professional offices and multi-family housing which maintain the residential appearance of large older homes is also appropriate. Day care centers and nursery schools are appropriate conditional uses in this district. Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table P.

E. FAMILY AND COMMUNITY RESIDENTIAL DISTRICT (R-4)

The purpose of the R-4 residential district is to provide a high-quality yet affordable residential growth area that allows for single-family homes but especially encourages planned residential developments. A variety of rental and ownership options, from Townhouse apartments to condominiums, mobile home parks, and retirement and assisted living communities are envisioned in this district. Quality design and construction, efficient and attractive placement of structures and amenities, privacy and landscaping are to be required to ensure that desirable residential areas are created. Supporting services for residential neighborhoods, such as schools, libraries, parks, and churches are appropriate in this district. Day care centers and nursery schools are appropriate conditional uses in this district.
Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table P.

F. TOWN CENTER DISTRICT (C-1)

The purpose of the Town Center District is to preserve and enhance a thriving business district in Pittsfield's downtown Retail stores, professional offices, banks, restaurants, government offices, consumer services and indoor recreation facilities are encouraged to locate here. Residential units are allowed only on floors above street level of commercial buildings.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table Q.

G. HIGHWAY COMMERCIAL DISTRICT (C-2)

The purpose of the Highway Commercial District is to provide for travel and vehicle-oriented sales and services and retail uses that are too land-intensive for the Town Center District. It is the intent of the Town to prevent strip development in these areas by managing access, regulating signs, and encouraging landscaping. Residential uses are not allowed in this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table Q.

H. INDUSTRIAL DISTRICT (C-3)

The purpose of the Industrial District is to provide areas for a wide range of intensive, non-retail commercial activities that require good transportation, utilities, and related services. In addition to manufacturing and transportation-related activities, wholesaling, office space, high-tech employers, call centers, etc., are appropriate in this district. Residential uses are not permitted in this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table Q.

I. CORRIDOR DEVELOPMENT OVERLAY DISTRICT (CDOD)

The purpose of the Corridor Development Overlay District is to provide areas for land-intensive commercial enterprises that do not require public water and sewer. The only retail operations allowed in this district are those that require too much land to locate in the Town Center or the Highway Commercial Districts, such as large equipment dealerships, and lumberyards. Junkyards and traffic-intensive recreational activities such as amusement parks and racetracks shall be directed to this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table Q.
J. **MEDICAL SERVICES OVERLAY DISTRICT (MSOD)**

The purpose of the Medical Services Overlay District is to encourage the siting of medical facilities in the area adjacent to Sebasticook Valley Hospital. This district is especially appropriate for intensive health care facilities and support services related to the hospital such as laboratories, rehabilitation centers, nursing homes and clinics. By virtue of being an overlay district rather than a base district, property owners will maintain residential development opportunities in this area in addition to those related to medical facilities.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table Q.

K. **RURAL DISTRICT (C-4)**

The purpose of the rural district is to preserve undeveloped land to the greatest extent possible and to support natural resource based industries. Agriculture and forestry will be the predominant land uses other than conservation. Low-density residential development will be permitted but discouraged. Home-based enterprises will be allowed within strict guidelines to ensure environmental protection and compatibility with neighboring uses.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table P.

L. **AGRICULTURAL PROTECTION DISTRICT**

1. **Purpose**

   The purpose of the Agricultural Protection District is to both preserve productive farmland and enhance the viability of agricultural work. This district shall cover a land area (not necessarily contiguous) of between 1000 and 2000 acres.

   Permitted uses allowed in this district and space and bulk standards for these uses are set forth on the following Table R.

2. **Application Process**

   All applications for the inclusion of land into the Agricultural Protection District shall be made to the Planning Board.

   The application shall include the following information:

   a) Landowner’s name and address.

   b) Proof of ownership of the parcel.

   c) The address and location of the property including the tax map and lot number.

   d) Number of acres to be included within the district and current use of the property.
e) A medium intensity soil survey of the property and a USGS 10’ topographic map of the site.

f) A statement from the applicant that the land in question will be preserved in or for an agricultural use.

3. Review Criteria

In determining the suitability of land submitted for inclusion into the Agricultural Protection District, the Planning Board shall utilize the following criteria.

a) Taxes on land brought for consideration shall be current.

b) Land brought for consideration shall not lie within a growth area as designated by the Pittsfield Comprehensive Plan.

c) Land under consideration must be currently farmed or it must include a large percentage of prime agricultural soils as defined below.

For the purposes of this section, prime agricultural soils shall include:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BaB</td>
<td>Bangor silt loam, 3-8% slopes</td>
</tr>
<tr>
<td>BuB</td>
<td>Buxton silt loam, 0-8% slopes</td>
</tr>
<tr>
<td>DxB</td>
<td>Dixmont silt loam, 0-8% slopes</td>
</tr>
<tr>
<td>Ha</td>
<td>Hadley silt loam</td>
</tr>
<tr>
<td>MbB</td>
<td>Madawaska fine sandy loam, 0-8% slopes</td>
</tr>
<tr>
<td>Wn</td>
<td>Winooski silt loam</td>
</tr>
<tr>
<td>AaB</td>
<td>Adams loamy sand, 0-8% slopes</td>
</tr>
<tr>
<td>PgB</td>
<td>Plaisted gravelly loam, 3-8% slopes</td>
</tr>
<tr>
<td>TtB</td>
<td>Thorndike-Bangor silt loams, 0-8% slopes</td>
</tr>
<tr>
<td>TpB</td>
<td>Thorndike-Plaisted loams, 0-8% slopes</td>
</tr>
<tr>
<td>Lk</td>
<td>Limerick silt loam</td>
</tr>
</tbody>
</table>

d) The topography of land brought for consideration shall be acceptable for agricultural purposes.

4. Withdrawal Penalty

Land removed from this district within seven years (7) of first acceptance into the program shall be assessed a penalty set by the Town Council.

M. RIVERFRONT DISTRICT

The purpose of the Riverfront District is to recognize that there is a limited amount of riverfront property in Pittsfield and that the use of such property is worthy of individual consideration based upon the opportunities offered by specific sites, creative ideas, entrepreneurial spirit, resource protection, and greater community benefit, such as the preservation of public access. All uses in this district are conditional uses and must meet a strict set of criteria which are outlined in Section 6., B. of this Ordinance to ensure appropriateness.
Uses allowed in this district and space and bulk standards for these uses are set forth on the following Table R.

N. SCENIC OVERLAY DISTRICT

The purpose of this district is to preserve the quality of the view of urban Pittsfield from I-95 northbound near the Webb Road. Structures such as cellular towers, standpipes, and drive-in movie screens that might distract from the view shall be prohibited from this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table R.

O. AIRPORT OVERLAY DISTRICT

The purpose of this district is to create an area that includes the airport property, adjacent clear zones, and adjoining properties with potential for providing support services to the airport. This district would designate such properties as related to the current or future functioning of the airport. Where this overlay district falls over an urban land use district, property therein would be eligible for uses related to the airport that might otherwise be prohibited in the district. Residential uses not directly related to airport activities shall not be permitted in this district.

Permitted and conditional uses allowed in this district and space and bulk standards for these uses are set forth on the following Table R.

SECTION 4 - PERFORMANCE STANDARDS

A. GENERAL REQUIREMENTS

4The following general requirements shall apply to all districts except the Shoreland districts:

1. No structure shall be erected or used, and no lot shall be used or divided, unless in conformity with the provisions of this Ordinance, except as provided below. All structures and lots, and uses of structures and lots, which fail to conform to the provisions of this Ordinance, are prohibited, except as provided herein.

a) Accessory buildings, for residential uses only, that have less than 200 square feet of footprint, are less than 15 feet in height, contain no plumbing and are not permanently attached shall not be required to comply with the setback requirements of Table P and shall not require a building permit subject to the following;

i. Accessory buildings shall not be allowed in the front yard area of a lot except in the C-4 District where a single building for shelter while awaiting transportation shall be allowed in the front yard area.
1. If the building does not meet the lot line setback established for the district in Table P then the owner of the property abutting the sideline adjacent to the building must give a written approval for the building.

ii. In no case shall any accessory structure be located closer than 5’ to the property lines.

For the purposes of this section permanently attached shall mean to be on a concrete foundation or slab or otherwise constructed such that it can not be removed without the need for excavation and demolition.

2. When a lot is situated in part in the Town of Pittsfield and in part in an adjacent municipality, the provisions of this Ordinance shall be applied to that portion of such lot that lies in the Town of Pittsfield as if the entire lot were situated in Pittsfield.

3. When a lot is transected by a zoning district boundary, the regulations set forth in this Ordinance applying to the larger part by area of such lot may also be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent not more than thirty (30) feet in depth beyond said zoning district boundary. The Planning Board may grant a Conditional Use to allow the lot to be used in its entirety to the conditions of either one or the other zones in the lot. The Planning Board shall follow the Conditional Uses approval process of this Chapter 13 – Section 6 “Conditional Uses” in granting or denying a request.

4. No dwelling shall be erected except on a lot that fronts on a street, as defined. The minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.

5. The area of a lot that lies within the right-of-way lines of a public or private way shall not be counted as part of such lot for the purposes of meeting the area requirements of this Ordinance even if the fee to such land is held by the lot owner.

6. Any land taken by eminent domain, or conveyed for a public purpose, for which the land could have been or was taken by eminent domain, shall not be deemed to have been transferred in violation of the lot size, lot coverage and setback provisions of this Ordinance.

B. SPECIFIC REQUIREMENTS

The following specific requirements shall apply to uses in all districts except as noted.

ACCESSORY USES

Accessory uses and structures are permitted in any district but only in conjunction with the construction of a principal structure. Accessory buildings may be constructed prior to construction of the principal structure, as long as the principal structure is completed within twenty-four (24) months of the issuance of the building permit for the accessory building. Other than Home Occupations, residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include space for incidental repairs, storage, parking, gardening, servant’s, itinerant agricultural laborer’s and watchman’s quarters not for rent, and private emergency shelters.
An Accessory or in-Law Apartment is allowed in Residential District R-1 provided the conditions are met.

An accessory apartment is a second dwelling unit located within, attached or on the same lot as a structure constructed as a detached single-family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a single family dwelling unit.

The Building Inspector shall issue a building permit for an accessory apartment provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

1. The owner of the dwelling or lot which or in which the accessory apartment is created, shall occupy either of the dwelling units except for temporary absences of up to six months. For the purpose of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes.

2. There shall be no more than one accessory apartment within or on the lot of the single-family dwelling.

3. There shall be no boarders or lodgers within either unit of the dwelling.

4. The gross floor area of the dwelling, including the basement, shall have be at least 1200 square feet, which amount shall be verified in the records of the Building Inspector. For purposes of this subsection, “gross floor area” is defined as the sum of the gross horizontal living areas of the floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces.

5. The maximum net floor area of the accessory apartment shall not exceed 33 percent of the net floor area of the principal dwelling unit.

6. There shall be no more than two bedrooms in an accessory apartment.

7. The accessory apartment’s exterior shall be designed so that the appearance of the structure remains that of a single family dwelling.

8. All stairways to second floor shall be enclosed within the exterior walls of the dwelling.

9. Any new entrance shall be located on the side or in the rear of the dwelling.

10. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

11. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least two off-street parking spaces for accessory apartment.

12. The accessory apartment shall have its own separate entrances from the outside.

13. The accessory apartment shall have its own complete kitchen and complete bath and toilet.
facilities.

14. Accessory apartment may be located within the single family dwelling, attached to it or located over an attached or detached garage provided the appears of a single family to home is maintained.

15. Both the accessory apartment and the single family dwelling are served on one water meter and one electrical meter.

SWIMMING POOLS

In-ground swimming pools are considered structures for the purposes of this Ordinance. In-ground pools shall be surrounded by a barrier type fence at least four (4) feet high equipped with self locking gates capable of preventing children from gaining access.

HOME BASED ENTERPRISE

Definition: A Home Based Enterprise is a business conducted by the owner or lessee of his or her dwelling unit or other building on the same lot as the dwelling in Rural District C4. The Home Based Enterprise operator must be a resident of the home. A lessee must obtain landowner permission. This ordinance shall not apply to agricultural businesses such as farms and farm stands.

Intent:

The intent of this ordinance is to allow the operation of a Home Based Enterprise that will allow uses in zoning district C-4 that may have a greater impact than those allowed in a Home Occupation Business while having a minimal effect on surrounding properties. A Site Plan Review will not be required for a Home Based Enterprise approval.

A permit fee for a Home Based Enterprise shall be established by the Pittsfield Town Council. The fee shall be subject to change by the Pittsfield Town Council on an as needed basis.

A permit for a Home Based Enterprise shall be granted by the Code Enforcement Officer if all of the following requirements are met:

Regulations:

The lot must be a minimum of two (2) acres in land area with at least 200 feet of lot frontage.

No more than five (5) persons, other than the owners or lessees, shall be engaged in such occupation at the site.

No more than 50% of the living area of the dwelling shall be used for the office or operations area of the Home Based Enterprise either in the residence or another building on the lot. Exterior areas are not part of the 50%.

There shall be no change in the outside appearance of the dwelling or other buildings except to add non-display windows or changes required to access the building. A sign as allowed by town codes is permitted.
No equipment, employee parking or material storage shall be allowed in either the 50-foot road setback or within 30 feet of the other property lines.

If the traffic generated by the Home Based Enterprise exceeds 25 trips per day, the Code Enforcement Officer shall refer approval of the application to the Planning Board who shall require the applicant to submit a traffic impact analysis by a professional traffic engineer to aid in their decision.

On State maintained roads a Maine Department of Transportation driveway entrance permit or change of use permit is required. Town roads will require a Town of Pittsfield private driveway entrance permit if a new driveway is added.

No customer or employee parking shall be allowed within the right-of-way of any adjoining road.

The driveway area shall be large enough to prevent trucks or other vehicles from needing to back in from or back out into the road.

Objectionable conditions such as smoke, dust, electrical disturbances or odor shall not be allowed.

Noise shall be governed by the Town of Pittsfield Chapter 13 Zoning Ordinance Section 4 “Performance Standards” “Noise”.

Exterior lighting must be shielded down lighting.

Exterior storage of materials, product or equipment shall occupy a total area no more than 10,000 square feet and shall be shielded from the view of any road and of surrounding properties and be at least 100 feet from any residential dwelling other than owner’s dwelling. Interior storage in existing buildings is allowed in the setback areas. However, this interior storage would count as to the 50% of the living area calculation.

All business vehicles must have a current inspection sticker and be registered if required by State law.

Any uses which were in active operation on the effective date of this ordinance shall be allowed to continue and shall be considered preexisting non-conforming uses, but only to the extent of actual active pursuit of the use (in number of employees, vehicles, types of use, etc.). Any subsequent change or diminution of such use will result in the partial or total loss of the non-conforming status. Business not in operation for more than 1 year shall lose their non-conforming or grandfathered status.

Preexisting Non-Conforming Uses meeting the definition of Home Based Enterprises shall be required to register with Code Enforcement Officer within 90 days of the effective date of this ordinance. The operator of the Home Enterprise shall provide information as to the number of employees, type and amount of equipment, the size of exterior storage area and the size of operations area.

**HOME OCCUPATIONS**

Home Occupations which are accessory to and compatible with a residential use are permitted in any single or two family dwelling unit. A permit for a home occupation shall be granted if the Code Enforcement Officer finds that the activity conforms with the following conditions:
1. The occupation or profession shall be carried out wholly within the dwelling unit or within a structure that is customarily accessory to a dwelling unit.

2. No more than one person other than family residing on the premises shall be employed in the home occupation.

3. There shall be no exterior display, no exterior sign (except as expressly permitted by the sign regulations of this Ordinance), no exterior storage of materials, equipment, vehicles or supplies and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4. No nuisance shall be generated, including but not necessarily limited to offensive noise, electrical disturbances, activity at unreasonable hours, vibration, smoke, dust, odors, heat, glare, traffic or parking.

5. Automobile and truck traffic generated shall not be greater than 25 trips per day.

6. No exterior structural alterations to the primary structure may be made to increase the visibility of the home occupation.

7. The home occupation may not utilize more than 35% of the gross floor area of the dwelling unit.

21 ANIMALS

Farm animals such as horses, cattle, pigs, etc., are permitted in the C-4 Rural District and the R-4 Residential District as provided in Table P of this Ordinance. Livestock enclosures must not be located within 50 feet of any drinking water source.

In residential districts no animals or birds shall be allowed to be kept on the premises except normal household pets such as cats, dogs or parakeets. Female chickens will be allowed in residential districts R-1, R-2, and R-3 and in districts C-1, C-2, C-3 and RF on lots with residential housing. The Shoreland Ordinance shall govern lots in Shoreland Zoning. Female chickens shall not be allowed in Mobile Home Parks. The following conditions shall apply:

The purpose of this article is to provide standards for the keeping of domesticated chickens in residential districts R-1, R-2, and R-3 and in districts C-1, C-2, C-3 and RF on lots with residential housing. The Town recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner’s property. This article is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

1. Chicken Pen shall mean a wire enclosure connected to a chicken house for the purpose of allowing chickens to leave the chicken house while remaining in an enclosed environment, safe from land and air predators.

2. Chicken House shall mean a structure for the sheltering of female chickens. An existing shed or
garage can be used for this purpose if it meets the standards contained below including the required distance from property lines.

3. An annual permit is required for the keeping of any female chickens within the residential districts R-1, R-2, and R-3 and in districts C-1, C-2, C-3 and RF on lots with residential housing. The permit shall include allowances for a single chicken house less than 200 square feet in size and a secure chicken pen as defined above. A building permit will not be required. The Town Council will set a fee for this permit by order and revise as needed from time to time.

4. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.

5. Only female chickens are allowed. There is no restriction on chicken species.

6. Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens for meat production is prohibited.

7. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken house, shed or garage in a securely fenced chicken pen. Chickens shall be secured within the chicken house during non-daylight hours.

8. The chicken house must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

9. The chicken house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.

10. A stationary or mobile chicken house shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. The structures shall be enclosed on all sides and shall have a roof and doors. The structure shall be less than 200 square feet in size. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The materials used in making the chicken house shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The chicken house shall be well maintained.

11. Stationary and mobile chicken houses shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met.

12. If a mobile or stationary chicken house is proposed to be located less than twenty (20) feet in zoning district R-2 and R-3, thirty (30) feet in zoning district R-1, 20 feet in C-1 and C-2 and twenty-five (25) feet in C-3 from any side or rear property line, the applicant shall have the abutting land owner or owners affected sign an “Acknowledgement of Reduction of Set Back by
Abutter for a Chicken House” document supplied by the Town. This form must be completed before the Code Enforcement Officer may issue a permit. No chicken house shall be located closer than 5 feet to a property line.

13. Chicken pens must be provided consisting of sturdy wire fencing or other fencing approved by Code Enforcement Officer to contain hens at any time the hens are not inside the chicken house. These pens shall be kept in good repair and include overhead protection from air and land predators.

14. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

15. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

16. The property owner shall take necessary action to reduce the attraction of predators, rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Code Enforcement Officer.

17. Chickens must be provided with access to feed and clean water at all times. Such feed and water shall be fed to the chickens inside the chicken house and shall be unavailable to rodents, wild birds and predators. Feed must be stored in a metal container impermeable to rodents, wild birds and other predators.

18. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a water repellant roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

19. Every applicant for a permit to keep chickens shall complete and file an application on a form prescribed by the Code Enforcement Officer. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

20. The Code Enforcement Officer shall issue an annual permit if the applicant has demonstrated compliance with the criteria and standards in this article.

21. The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

22. A permit to keep chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law.

23. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
24. Any violation of the provisions of this section or of the permit shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken-related structures within (30) days of notice of violation. In addition to any other enforcement action, which the Town may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars ($100.00) may be imposed per terms of State of Maine Statute 30-A M. R. S. A. Section 4452. Each day that a violation continues may be treated as a separate offense.

25. The Health Officer or Code Enforcement Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.

26. If a chicken dies, it must be disposed of promptly in a sanitary manner in accordance with applicable regulations for carcass disposal.

27. On or before (January 31) annually, the Code Enforcement Officer shall submit to the Town Council a report stating the number of permits issued in the previous permit year, the number of complaints reported in the previous permit year, the nature of any enforcement activities, and any other information relevant to the oversight of provisions in this article.

Commercial kennels, or other accommodations where household pet species such as cats, dogs, or parakeets are boarded are permitted only in the C-4 Rural District provided no animals or birds are kept within 50 feet of a residential lot line.

DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

1. A minimum of twelve feet (12’) shall be provided between all driveways. Five feet (5’) shall be provided between a driveway and all lot lines.

2. Driveway openings for vehicular ingress and egress shall not exceed twenty-four feet (24’) at the right-of-way line and thirty feet (30’) at the pavement.

3. Driveways into corner lots shall take their access from the less traveled road.

ACCESS

No direct public or private access shall be permitted to existing or proposed rights-of-way:

1. Within one hundred feet (100’) of where the right-of-way of one arterial street intersects another arterial street.

2. Within fifty feet (50’) of where the right-of-way of a minor/residential street intersects with the right-of-way of an arterial street.

HEIGHT
The district height limitations stipulated elsewhere in this Ordinance may be exceeded in all zones except the Scenic Overlay District, but such modifications shall be in accordance with the following:

1. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

2. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooking towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.

3. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

4. Communication Towers, Meteorological Towers, Observation Towers and Wind Energy Facilities shall have height requirements determined by a lot line setback of 150% of the height of the structure.

5. Agricultural structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

**SANITARY WASTES**

All sanitary waste disposal facilities shall conform in all respects with the provisions of the State of Maine Plumbing Code and subsequent revisions thereof. No structure or land use requiring sanitary waste disposal facilities shall be issued a permit under the provisions of this Ordinance without first having been issued a Plumbing Permit and/or Subsurface Wastewater Disposal System permit by the Plumbing Inspector of the Town.

**SITE RESTRICTIONS**

1. All lots shall abut upon a public way or a private way.

2. No land shall be used which does not meet the requirements of the Pittsfield Flood Hazard Ordinance.

**WELLHEAD PROTECTION ZONES**

The Town of Pittsfield shall use State of Maine Revised Statute, Title 38, Subsection 1392 through 1400 to assure and enforce protection of Wellhead Protection Zones as mapped by the State of Maine.

**PROPERTY MAINTENANCE**

Exterior of Structures

All fences and barriers shall be kept in good repair.
All exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches, and balconies shall be structurally sound and maintained in good repair.
Temporary roof coverings such tarps, plastic sheeting or roofing under-layment shall be not allowed.
for a period greater than 90 days. The Code Enforcement Officer may grant an extension under certain hardship conditions.

All projections from structures, such as awnings, signs, fire escapes, and ductwork shall be properly anchored and maintained in good repair.

All handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

All exterior doors, door assemblies and hardware shall be maintained in good condition.

All exterior wall and roof surfaces of any structure used for human occupancy shall be protected so as to prevent wind, rain, and snow penetration.

Basement foundations shall be enclosed so as to prevent entry of vermin.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

An owner of a vacant building that has been abandoned must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

A. Building openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials, or the following materials painted to match the building. Exterior plywood, siding or other rigid materials which protect from the weather and is tightly fitted and secured to the opening.

B. The owner of a vacant building must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this section.

C. Lawns and building grounds area shall be cultivated or maintained free from grass greater than 8" in height.

In zoning districts R-1, R-2, R-3, R-4 and C-1 automotive vehicles that remain unlicensed or unregistered for greater than 30 days shall be concealed from view either by enclosure in a building, screened as required by the Screening provisions of this Section or covered by a fitted canvas car/truck cover. The cover shall be secured and in good repair without holes or tears. This shall not pertain to vehicles awaiting repair at a repair facility. Also, this shall not pertain to the storage of construction-related vehicles stored at code compliant business locations. One unlicensed or unregistered vehicle equipped with a snow removal device will be allowed unconcealed. In no case shall more than 2 (two) unlicensed or unregistered, covered or otherwise, be allowed to be stored outside of a building in any district unless an automobile graveyard permit is obtained.

**SCREENING**

All outside storage of materials or items of any type shall be located and suitably screened by plantings or fencing so as not be clearly visible from the street or abutting properties.

Screening may be accomplished by natural or man-made objects, plantings or properly constructed fences, any of which must completely screen the items from ordinary view from any portion of any public way or abutting property throughout the entire calendar year. All screening must be located
outside of the public way right-of-way limits.

Natural or man-made objects may include:

1. Hills, gullies, or embankments. Such man-made objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance.

2. Buildings or other installations.

3. Planting, including trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen a property from ordinary view from any highway throughout the entire calendar year may be used for screening.

4. Fences, which shall be so located and of sufficient height to completely screen the property from ordinary view from any highway within the prescribed distances. The height of the fence shall be sufficient to accomplish complete screening from ordinary view. All fences shall be well constructed and maintained. Only sound, undamaged material, uniform in appearance, and erected in a workmanlike manner, shall be used in the construction and maintenance of a fence used for screening purposes.

**JUNKYARDS AND AUTOMOBILE GRAVEYARDS**

Junkyards and automobile graveyards shall comply with the requirements of 30-A., M.R.S.A. 3751-3760, as amended. In addition, a yearly permit must be obtained from the Planning Board and the following standards shall apply.

1. Junkyards may not be located in a flood hazard area, within 300 feet of a river, pond or freshwater wetland or over a sand and gravel aquifer. If the Planning Board has any doubt about a proposed facility’s proximity to any of these sensitive areas, it may require the applicant to hire a qualified professional soil scientist or equivalent to determine boundaries of and take measurements from sensitive areas.

2. The discharge of any fluid from any motor vehicle or piece of junk into or onto the ground is prohibited. The owner and operator shall take full responsibility for thorough clean-up of any spill and shall be required to maintain a suitable performance bond and/or insurance policy to ensure adequate clean-up in the event of an environmental accident or operations shutdown. Such bond/policy shall be reviewed by the Planning Board and approved prior to issuance of permit approval. The bond/policy shall be effective prior to the start of junkyard operations.

3. The operator must have an adequate written management plan for liquid wastes, batteries, and potential spills.

4. All fluid removal and repair work involving fluids shall take place on an impervious surface designed to contain any runoff. All storage facilities for liquids that may threaten groundwater quality must be covered and situated on impervious floors with dikes adequate to contain the largest quantity of fluid in use at any one time in the area.
5. The applicant must provide a list of and copies of agreements between haulers of waste fluids, tires, unsalvageable vehicles, etc., concerning the legal removal of these materials from the site. The Town shall be provided with copies of any changes to these agreements, and the operator shall maintain a log of actual disposal records that may be inspected by the Town during normal operation hours without notice.

6. If the junkyard is visible from a public way or neighboring property, a vegetative buffer shall be planted and maintained on the junkyard property to effectively screen the operation from view on a year-round basis from that direction. In the event that new plantings are necessary to achieve this goal, vegetation shall be planted that is of sufficient species, age and spacing to achieve the full screening standard within four years of planting. Junk shall not be stored within view of the public way through driveway openings. The applicant may petition the Planning Board to substitute an attractive, high quality fence for the vegetative screening. The Planning Board may approve this substitute if the proposed fence materials and design do not detract from the neighborhood character and are acceptable to any affected abutters.

7. The Planning Board may attach any permit conditions it feels reasonable and necessary to ensure compliance with the above standards.

8. Each permitted junkyard and auto graveyard shall be inspected by the Code Enforcement Officer at least once a year to ensure compliance with these requirements. The Code Enforcement Officer shall make a report of the inspection, which shall be reviewed at the time of annual permit renewal by the Planning Board and Council. Any violations discovered shall be appropriately prosecuted and may serve as grounds for permit revocation.

TEMPORARY UNITS

Temporary units such as real estate sales field offices, construction management trailers and shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Code Enforcement Officer. Such units shall be placed on a site in such a manner that all setback requirements of the zone are met. After two years the Code Enforcement Officer may require the removal of said units.

MANUFACTURED HOUSING

A manufactured housing unit shall meet the following standards:

1. The unit shall be constructed with a pitched roof having a pitch of 2 in 12 or greater.

2. The roof shall be covered with asphalt composition shingles, fiberglass shingles, approved wood shingles or shakes, or similar residential roofing material.

3. The exterior wall surfaces shall be covered with materials similar to traditional site-built housing units. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels.

4. Manufactured housing units built prior to June 15, 1976 must comply with the National Electric Code, the State of Maine Internal Plumbing Rules and the National Fire Protection.

5. The minimum floor area of the unit shall be 750 square feet.

6. Mobile homes will set on a minimum eighteen inch (18") gravel base pad.

7. Skirting will be required on all mobile homes.

8. Not withstanding the above requirements 1 through 5, units currently existing within the Municipal limits may be relocated within the Municipality.

PREVENTION OF EROSION

1. No person shall perform any act or use of the land in a manner that would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the Town. This shall not affect any extractive operations complying with the standards of performance specified elsewhere in this Code.

2. All development shall generally comply with the following guidelines for prevention of erosion:

   a) Select a site with the right soil properties, including natural drainage and topography, for the intended use.

   b) Utilize for open space uses those areas with soil unsuitable for construction.

   c) Preserve trees and other vegetation wherever possible.

   d) Hold lot grading to a minimum by fitting the development to the natural contour of the land; avoid substantial areas of excessive grade.

   e) Spread jute matting or straw during construction in critical areas subject to erosion.

   f) Construct sediment basins to trap sediment from run-off waters during development. Expose as small an area of subsoil as possible at any one time during development and for as short a period as possible.

   g) Provide for the disposal of increased run-off caused by changed land formation, paving and construction, and for the avoidance of sedimentation of run-off channels, on or off the site.


MINERAL EXPLORATION, EXCAVATION AND GRAVEL PITS

13-27
Top soil, rock, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this Ordinance only after a Conditional Use Permit for such operations has been issued by the Planning Board in accordance with the provisions of this Ordinance, and provided that the following provisions shall be specifically illustrated in the application for the Conditional Use.

1. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than one (1) foot vertical to two (2) feet horizontal.

2. The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.

3. No excavation shall be extended below the grade of adjacent streets unless one hundred feet (100') from the street line or unless provisions have been made for reconstruction of the street at a different level.

4. Sufficient topsoil or loam shall be retained to cover all areas with a three inch (3") layer so that they may be seeded and a vegetative cover may be restored. Such seeding and restoration shall be provided by the applicant.

5. There is at least one hundred feet (100') between the edge of the digging or quarrying activities and the property lines.

6. Dust or other air pollutants are kept to a minimum by appropriate landscaping, paving, watering or fencing.

7. Appropriate fencing or landscaping is provided to screen the site of digging operations from any public right-of-way and from any dwelling within two hundred fifty feet (250') of the property lines of the excavation site.

A surety bond shall be posted with the Town Clerk by the applicant in an amount found by the Town Council upon recommendation by the Planning Board to be sufficient to guarantee conformity with the provisions of the grant of approval.

All plan review shall take into consideration the following items. The Planning Board may impose such conditions as necessary to safeguard the health, safety and welfare of the community. Such conditions may include:

a) Fencing, landscaped buffer strips, public safety
b) Advertising signs, lighting
c) Parking space, loading and unloading areas
d) Entrances and exits
e) Time period of operation
f) Hours of operation
g) Methods of operation
h) Weight and loading limit of trucks
i) Sand and gravel spillage upon public streets
j) Reclamation proposals
NOISE

Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. Noise may be equal to but not exceed during any consecutive 8-hour period an average of 75 decibels at 600 cps measured at any boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 100 decibels at 600 cps when measured at the source. The cost of such testing shall be borne by the applicant.

PARKING, LOADING AND TRAFFIC

A. Off-Street Parking Standards

1. Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.

2. The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in spaces of 180 square feet each, except as provided for in the Site Plan Review Ordinance. All spaces shall be accessible from lanes of adequate size and location.

Single Family Dwellings: 2 parking spaces for each dwelling.

Multi-Family Dwellings: 1.5 parking spaces per each dwelling unit.

Motels, tourist homes, rooming houses, fraternities: 1 parking space for each sleeping room.

Hotels: 1 parking space for each 2 guest rooms.

Nursery Schools: 5 parking spaces for each room used as a nursery room.

Elementary Schools: 1 parking space for each adult employee plus 15 parking spaces.

Junior High Schools: 1 parking space for each adult employee plus 15 parking spaces.

Senior High Schools: 1 parking space for each adult employee plus 15 parking spaces for each 100 students or major fraction thereof of total enrollment.

Hospitals, sanatoria, nursing homes: 1 parking space for each 500 square feet or major fraction thereof of floor area, exclusive of basement.
Theaters, auditoria, churches, arenas: 1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.

Mortuary Chapels: 15 parking spaces for each chapel.

Retail Stores: 1 parking space for each 200 square feet of gross floor area.

Bowling Alley: 4 parking spaces for each bowling lane.

Restaurants: 1 parking space for each 100 square feet, or major fraction thereof, of floor area not used for storage or food preparation.

Drive-in restaurants, Snack bars: Minimum 25 parking spaces plus 4 square feet of parking for each square foot of floor space in excess of 2,500 square feet.

Offices, professional and public buildings: 1 parking space for each 250 square feet of gross floor area.

Medical and Dental Offices: 1 parking space for each 250 square feet of gross floor area plus 1 space for each examination, treatment or consultation room.

Industry, Manufacturing and business: 1 parking space for each 1,000 square feet of floor area, or major fraction thereof, for that part of every business, manufacturing and industrial building not catering to retail trade and with floor area over 3000 square feet.

3. Required off-street parking in all residential districts shall be located on the same lot as the principal building or use except that where it cannot reasonably be provided on the same lot, the Planning Board may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

4. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable
distance from the principal building or use, measured along lines of public access. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts.

5. Where off-street parking for more than six vehicles is required or provided on a lot in a Residential Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side, and rear yards in the zone in which such parking is located, the following requirements shall be met:

a) A continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

b) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residential Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

6. Where off-street parking for more than six vehicles is required or provided on a lot in any Business Zone, the following requirements shall be met:

a) Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line so that the bumpers of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.

b) Where such off-street parking shall abut a lot in a residential district or a lot in residential use, a chain link, picket, or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

7. Where off-street parking is required or provided, the following construction requirements shall apply:

a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the Public Works Director or Foreman. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.

b) The surface of driveways, maneuvering areas, and parking areas shall be uniformly graded with a subgrade consisting of well-compacted gravel or equivalent materials at least six inches in depth. For commercial, industrial, and institutional uses and apartment buildings, the drives, maneuvering areas and
parking areas shall be covered with two inches of bituminous concrete properly prepared and laid in two courses of one inch each in accordance with specifications prepared by the Public Works Department. All other installations shall have a wearing surface equivalent in qualities of compaction and durability to fine gravel.

c) A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.

d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

8. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

9. No portion of any lot that is used to satisfy the street setback requirements of this Ordinance shall be used for parking for any commercial or industrial use.

B. Off-Street Loading Standards

1. In those districts where off-street loading is required, the following minimum off-street loading bay or loading berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

   Office Buildings and Hotels with a gross floor area of more than 100,000 square feet: 1 Bay

   Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

   5,001 to 40,000 sq. ft. 1 Bay
   40,001 to 100,000 sq. ft. 2 Bays
   100,001 to 160,000 sq. ft. 3 Bays
   160,001 to 240,000 sq. ft. 4 Bays
   240,001 to 320,000 sq. ft. 5 Bays
   320,001 to 400,000 sq. ft. 6 Bays

   Each 90,000 square feet over 400,000 1 additional Bay

2. Each loading bay shall have minimum dimensions of 70 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and local traffic regulations.

C. **Corner Clearances**

For purposes of traffic safety in all Districts, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents.

**BUFFERS**

1. No structure shall be erected or any use permitted in nonresidential districts unless a buffer strip at least twenty five feet (25') but not more than seventy-five feet (75') wide as determined by the Planning Board is provided and maintained between any adjoining residential district and the nonresidential structure or use. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Pittsfield.

2. Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.

3. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.

4. All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

**SIGNS**

A. **Permit Required**

No person, firm or corporation shall hereafter erect, hang, place or alter a sign or sign structure of any kind without a permit having been issued by the Code Enforcement Officer, upon payment of a permit fee as determined by the Town Council. Any permit obtained subsequent to the erecting, hanging, placing, or altering of a sign or structure shall be subject to a permit fee five times the scheduled fee. Every application for a sign permit shall be accompanied by plan to scale, showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and Ordinances of the Town. If the proposed sign is in compliance with all such requirements and laws, the permit shall be issued. No sign shall block visual access to any public way.

B. **Exempted Signs**

The following signs are exempt from the provisions of this Ordinance.

1. Any sign that was lawfully in existence prior to the date of adoption of this
Ordinance, provided however, any change in lettering size, construction, wording, location, or lighting of said sign shall constitute a new sign and such change shall be governed by the terms of this Ordinance.

2. House addresses, family names and no trespassing signs.

3. Traffic control signs, official State DOT business directional signs and municipal directional signs, and safety signs including handicapped access signs.

4. Temporary signs as defined in this ordinance and Chapter 13C.

5. Signs applied to, over, or near a door or window that display operating hours and operations directly related to the Business or Agency. Such signs shall be limited to a total of two (2) square feet per entrance that serves the Business or Agency. In the case of more than one Business or Agency per building, each shall be allowed one sign per entrance that serves the Business or Agency.

6. Parking and parking controls signs not exceeding 3 sq. ft.

7. “No Smoking” exterior or in building signs not exceeding 3 sq. ft.

C. **Community, Municipal and Quasi-Municipal Facilities**

All community, municipal or quasi-municipal signs shall meet the requirements of Section I. Specifications below.

D. This section intentionally left blank

E. **Illuminated Signs**

1. Externally illuminated signs shall be lighted by sources that are shielded from streets and adjoining property, with no exposed source of illumination. The intensity of light shall remain constant in color, location and brightness.

2. Internally illuminated signs must be of solid non-translucent background with subdued lights coming through translucent letters. No sign shall constitute a hazard to vehicular traffic.

F. **Flags, Banners and Pennants**

Flags, banners, and pennants are permitted as temporary signs for the promotion of an event by a civic group, provided they are displayed no longer than seven consecutive days.

Exterior flags with the word “OPEN” are allowed provided the sidewalk area is not obstructed and these signs are taken down when the business represented is closed for the day.

G. **General Prohibition in all Zones**

1. Billboards, animated signs, flashing signs, roof signs, rotating signs, signs containing any visible moving parts, and portable signs are prohibited in all zones. Engraved cornerstones and stone engraved building or structure names are exempt from this prohibition.
72. Easel and other sidewalk signs not affixed to a structure or sign post are prohibited in all zones except:

7a. Portable, non-permanent, sandwich signs shall be allowed on the sidewalks in the C-1 District and shall not exceed 2’ in width and 4’ in height. The signs may not be placed prior to 8AM daily and must be removed by 6PM. The signs may not be placed on the road surface and must leave 40” of clear passage on the sidewalk. They must be approved by the Public Works Foreman.

H. Off-Premise Signs

1. Off premise signs are prohibited except for official business directional signs that have been approved by the State Department of Transportation.

2. The location of public parking, public transportation, and roadside municipal directional signs must be approved by the Code Enforcement Officer.

I. Specifications

All signs must conform to the following specifications.

1. In the C-3 Industrial district one on-premise sign per business on the site with a maximum area of 32 square feet per side (per business) shall be permitted.

2. In the C-4 Rural district one on-premise sign per business on the site identifying a permitted use conducted on the premise, with a maximum area of 16 square feet per side shall be permitted. Approved subdivisions may be allowed one sign, with a maximum area of 16 square feet per side, designating the name of the subdivision.

3. In the C-1 Town Center district two on-premise signs per business on the site with a combined maximum area of 32 square feet shall be permitted. In addition, the following standards shall apply:

a) Projecting signs that hang on an arm or object shall not exceed 12 square feet in size and shall be perpendicular to the building.

b) The sign area of canopies and awnings shall not exceed 50% of the total area of the canopy or awning. The area of the canopy or awning shall be calculated by its measurement on the face of the structure to which it is attached.

c) Any sign, canopy or awning over a sidewalk or other public way shall have a minimum vertical clearance of 8 feet.

4. In the Medical Services Overlay District the following standards shall apply:

a) Two on-premise signs per business on the site with a maximum combined area of 45 square feet per side shall be permitted.

b) Freestanding signs shall have a maximum height of 15 feet measured from the ground to the top of the sign.

c) Multi-use buildings may have an additional sign as a ladder.
sign not to exceed 100 sq. ft. One additional sign, not to exceed 32 sq. ft., shall be permitted if the building fronts upon more than one thoroughfare.

95. In the C-2 Highway Commercial District and the Corridor Development Overlay District the following standards shall apply:

a) Two on-premise signs per business on the site with maximum combined area of 60 square feet per side shall be permitted.

b) Freestanding signs shall have maximum height of 20 feet measured from the ground to the top of the sign.

c) Multi-use buildings may have an additional sign as a ladder sign not to exceed 100 sq. ft. One additional sign, not to exceed 32 sq. ft., shall be permitted if the building fronts upon more than one thoroughfare.

6. No signs are permitted in any residential district except for signs identifying a permitted home occupation. Such home occupations shall be permitted one non-illuminated sign with a maximum area of 4 square feet. Properties with more than one home occupation shall not exceed the permitted 4 square feet with any combination of signs.

97. If not already allowed, businesses, other than home occupations shall be allowed to have a single sign not to exceed 32 sq. ft. except in the R-1, R-2 and R-3 districts where they shall be allowed a 16 sq. ft. sign.

10J. Non-Conforming Signs

Non-conforming signs in existence prior to the date of adoption of this Ordinance may be replaced by new signs that comply with the terms of this section or that are not larger than existing sign area. A non-conforming sign, which is discontinued for a period of 12 consecutive months, may not be resumed.

K. Signs in Front Setback

A sign in the front setback area may not protrude outside the property line, except for canopy or projecting signs in conformance with I. Specifications of this section.

The person applying/receiving a permit shall be responsible for compliance with all federal and state requirements regulating the placement of signs.

L. Roadside Signs

Roadside signs for public parking and transportation facilities shall be no larger than 12 inches by 18 inches in size. Freestanding signs within public parking facilities shall be no larger than 16 square feet.

M. Signs on tax parcel lots that abut and are intended to be seen from Interstate I-95 shall be governed by Maine State Law requirements as adopted by the State of Maine from time to time.

N. Temporary Signs

A temporary sign, as defined in Chapter 13C shall not exceed 32 square feet in sign area and shall
not be illuminated. A sign permit shall be required for any sign erected longer than 90 days within
any 12-month period, except real estate signs, which may be left in place without a permit until the
sale of the property, and construction, charitable and fundraising signs, which shall be allowed
without a permit for the duration of the project.

O. **Planning Board Approval of extra signage or alternative location**

The Planning Board may grant approval to an application for an increase in any of the
following: (1) size, (2) number of signs per business or per tax lot, and (3) location. The Planning Board may not approve an increase to the maximum height above ground level. In no event shall the Planning Board approve an increase in the number of signs that exceeds one additional sign per business or an increase in the area of signage that exceeds the otherwise applicable requirement by greater than fifty percent.

In determining whether to approve a requested increase, the Planning Board shall take the following into consideration:

The additional signage, sign area or requested location is needed to provide sign visibility from tax lots that abut more than one street, road, or highway.

The approval is needed for a business to comply with franchise requirements.

The approval will not create a nuisance to abutting property owners due to appearance, light spillover or interference with sight distances, or significantly change the character of the neighborhood.

**MOBILE HOME PARKS**

Mobile home parks shall meet State requirements for mobile home parks and all of the following criteria:

1. Mobile home parks shall meet all applicable requirements for a residential subdivision, except as modified below, and shall conform to all applicable State laws and local Ordinances except as modified below.

2. The minimum area of land within the park shall be 10% greater than the combined area of the individual lots proposed (not including the area required for road rights of way and buffer strips), but only for mobile home parks that are served by public sewer.

3. All mobile homes in a mobile home park shall be connected to a common water supply and distribution system, either public or private, at no expense to the municipality, approved by the Department of Human Services, Division of Health Engineering.

4. All mobile homes in a mobile home park shall be connected to an approved sanitary sewer system, in accordance with the sanitary provisions of this Ordinance.

5. No mobile home shall be placed within thirty feet (30’) of any other mobile home.
6. Each mobile home site shall have a lot area of at least 5000 square feet where town water and sewer service is provided and 12,000 square feet where the park is served by a private central on-site subsurface wastewater disposal system. For units that are served by individual on-site subsurface wastewater disposal systems 20,000 square feet shall be required.

12. Each mobile home site shall have at least 50 feet of frontage on a public way or private way open to the general public. Private ways shall be at least 23 feet in width of which 20 feet shall be paved. Private ways shall be in accordance with acceptable engineering standards and in accordance with a Professional Engineer's seal as required by the Manufactured Housing Board. Private ways shall also conform with “reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.” Nothing in these requirements shall have the effect of requiring mobile home be placed parallel to either a public or private way. Unless a road in a mobile home park is to be accepted by the Town then private roads in the mobile home park shall be exempt from the street design standards of the Subdivision Ordinance.

8. A continuous landscaped area not less than twenty-five feet (25') in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six (6) feet in height shall be located along property boundaries that abut land used for residential use and when the park’s density is more than two (2) times that of the immediately adjacent parcels or, if they are undeveloped, of the maximum permitted net residential density.

9. Each mobile home shall be set on an eighteen inch (18") gravel base pad.

10. All mobile homes in a mobile home park shall be provided with at least two (2) off-street parking spaces.

11. Each mobile home site shall have garbage cans constructed of durable metal or other approved types of material with tight fitting covers in quantities adequate to permit storage of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The mobile home park owner is responsible to see that garbage and rubbish is taken to an approved solid waste disposal facility on a regular basis, not exceeding two (2) week intervals.

12. Mobile home parks are not to be used as commercial sales lots for the sale of mobile homes on a regular basis, but this does not prevent normal sales transactions of mobile home units that have occupied the park as residential units.

13. All parks shall be furnished with lighting units so spaced and equipped as to provide for the safe movement of pedestrians and vehicles at night.

14. A mobile home site approved for occupancy by the Planning Board may be rented or leased as a site within a mobile home park, but if the lot is sold it may be occupied only if it meets all dimensional requirements prescribed for the zoning district in which it is located, and must be on a street which meets Town standards as defined in the Subdivision Ordinance for an ordinary subdivision as opposed to a mobile home park.
15. Full skirting shall be required around all homes.

16. Oil drums shall be kept under cover.

17. Trees shall be retained and/or planted to offer shade and visual screening of at least 50% between homes. In the case of new plantings, species, age and spacing shall be such that the 50% effective visual screening standard shall be achieved within 4 years of planting.

18. Existing parks shall come into compliance with the performance standards of this Ordinance within three years of its adoption.

19. Nothing in these requirements shall require that electrical lines and telephone lines be located underground within a mobile home park.

20. Mobile Home Parks in the C-4 Rural District with lot areas of 20,000 square feet or less shall maintain the following minimum setbacks:

   Street setback (see note)  30'
   Side and rear lines  20'

Note: This shall apply to streets and roads that are part of the park but not other public and private roads. The distance is from the property line not the edge of the roadway.

CONVERSIONS TO MULTI-FAMILY STRUCTURES

Existing Residential Structures may be converted to Multi-family residential subject to the following:

1. The structure is located in a district that allows multi-family housing.

2. The structure is serviced by Municipal sewer and water.

3. Notwithstanding the requirements of Table P, lot area and lot frontage, the minimum street frontage shall be 50'. The minimum lot area shall be 2,000 square feet per unit.

4. The minimum lot area required for the conversion of a structure shall be 6,000 square feet.

5. Conversions of existing structures creating more than 6 units shall not be allowed under these standards and must comply with the structure requirements of Table P.

6. Except for accessory buildings there shall be no expansion of the structure.

7. The Appeals Board shall grant no Variance of these provisions.

BED AND BREAKFASTS
The following standards shall apply to bed and breakfasts, as defined:

1. Class 3 Bed and Breakfasts shall be considered as Home Occupations.

2. Class 2 Bed and Breakfasts shall be considered conditional uses and be reviewed by the Planning Board as such.

3. Class 1 Bed and Breakfasts shall be considered motels and be reviewed by the Planning Board under the Site Plan Review Ordinance.

4. Class 2 and 3 Bed and Breakfasts shall be allowed in all legally existing single-family dwelling units.

5. All Bed and Breakfasts shall occur in the dwelling unit that is the principal residence of the occupant who acts as the proprietor.

6. A Bed and Breakfast may serve meals to its guests only.

7. Prior to being permitted by the Planning Board or the CEO, the applicant for a Bed and Breakfast shall demonstrate approval by the State Fire Marshal’s Office and the Department of Human Services.

MEDICAL MARIJUANA DISPENSARY:

Notwithstanding the provisions of 1 M.R.S.A. Section 302 or any other law to the contrary, this Section, when enacted, shall govern any proposed medical marijuana dispensary for which an application has not been submitted and acted on by the Planning Board prior to October 21, 2014.

This Ordinance shall apply to medical marijuana dispensaries that may be proposed to be located within the Town of Pittsfield.

The following standards shall apply to all medical marijuana dispensaries, in addition to the standards in Section 6 of this Ordinance:

1. Location Criteria: No medical marijuana dispensary shall be sited on a property with any boundary within 250 feet of any of the following uses:

   a) a church, synagogue or other house of religious worship;
   b) a lot used principally for one, two or multi-family residential purposes;
   c) an athletic field, park, playground or recreational facility;
   d) a licensed child care facility;
   e) any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center; or
   f) any existing business or professional office.

When the use listed above is located within a structure, the 250 feet shall be measured from that structure to the property line of the medical marijuana dispensary. When the use is a use that is located outside of a structure, the 250 feet shall be measured from lot line to lot line.
A dispensary shall be a single-use operation. It shall not be located in a mixed-use residential building, a multi-tenant commercial building, or within a structure shared with other uses and/or tenants.

A dispensary shall be operated from a permanent location and shall not be permitted to operate from a moveable, mobile, or transitory location.

A dispensary shall only be located in a zoning district where a dispensary is allowed as a conditional use and shall not be allowed in any other zoning district.

2. Hours of Operation: Medical marijuana dispensaries may be open for business only between the hours of 9:00 am and 7:00 pm, locally prevailing time.

3. Parking: Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

4. Signage and Advertising: All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town’s ordinances pertaining to sign regulations.

In addition, no signage or advertising shall use the word “marijuana” or “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana qualifying patients and primary caregivers.

5. Security Requirements: Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:

a) Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

b) Door and window intrusion robbery and burglary alarm systems with Audible and Police Department notification components that are Professionally monitored and maintained in good working condition;

c) A locking safe permanently affixed to the premises that is suitable for Storage of all prepared marijuana and cash stored overnight on the Licensed premises;

d) Exterior lighting that illuminates the exterior walls of the licensed Premises and compiles with applicable provisions of this Ordinance; and

e) Deadbolt locks on all exterior doors and locks or bars on any other access Points (i.e., windows).
The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.

6. Fire Safety: All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by the use of a fire suppression system and shall be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

7. Cultivation: If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana. All cultivation of marijuana shall take place in a non-transparent secured building.

8. On-site Consumption of Medical Marijuana: The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. Section 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term “premises” includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surrounding within 250 feet of the medical marijuana dispensary’s entrance.

9. Visibility of Activities; Control of Emissions; and Disposal Plan:

A dispensary shall not adversely affect health and safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

a) All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed and locked facility.

b) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises. A dispensary shall not have on-site display of marijuana plants. There shall be no window display.

c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation
facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

d) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related by-products.

10. Sale of Edible Products: No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulations, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

11. Other Laws Remain Applicable: A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulations. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulations governing medical marijuana dispensaries, the stricter law or regulation shall control.

12. Maximum Number: The maximum number of medical marijuana dispensaries in the Town shall be capped at one (1) and it shall operate from only one physical location.

13. Application Submission Requirements: The applicant shall provide the Code Enforcement Officer with documentation of any required state or federal Approvals for the medical marijuana dispensary operation.

25METHADONE CLINIC:

Notwithstanding the provisions of 1 M.R.S.A. Section 302 or any other law to the contrary, this Section, when enacted, shall govern any proposed methadone clinic for which an application has not been submitted and acted on by the Planning Board prior to November 18, 2014.

This Ordinance shall apply to methadone clinics, as defined in Chapter 13C, that may be proposed to be located within the Town of Pittsfield.

The following standards shall apply to all methadone clinics, in addition to the standards in Section 6 of this Ordinance:

1. Location Criteria: No methadone clinic shall be sited within 250 feet of any of the following uses:

   a) a church, synagogue or other house of religious worship;
   b) a public or private school;
   c) a lot used principally for one, two or multi-family residential purposes;
   d) an athletic field, park, playground or recreational facility;
   e) a licensed child care facility;
   f) any juvenile or adult halfway house, correctional facility, methadone
g) a lot on which another methadone clinic is sited; or
h) any business or professional office.

When the use listed above is located within a structure, the 250 feet shall be measured from that structure to the property line of the methadone clinic. When the use is a use that is located outside of a structure, the 250 feet shall be measured from lot line to lot line.

A methadone clinic shall be a single-use operation. It shall not be located in a mixed-use residential building, a multi-tenant commercial building, or within a structure shared with other uses and/or tenants.

A methadone clinic shall be operated from a permanent location and shall not be permitted to operate from a moveable, mobile, or transitory location.

Methadone clinic shall only be located in a zoning district where the clinic is allowed as a conditional use and shall not be allowed in any other zoning district.

Any entrance or exit drive for a methadone clinic shall be located only on Route 100. Notwithstanding any other requirements of this Ordinance, a methadone clinic shall be set back at least 100 feet from the edge of the road right-of-way.

2. Hours of Operation: Methadone clinics may be open for business only between the hours of 9:00 am and 5:00 pm, locally prevailing time.

3. Parking: Methadone clinics shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

4. Signage and Advertising: All signage and advertising for a methadone clinic shall comply with all applicable provisions of the Town’s ordinances pertaining to sign regulations.

5. Security Requirements: Security measures at a methadone clinic shall include, at a minimum, the following:

a) Security surveillance cameras installed an operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

b) Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;

c) A locking safe permanently affixed to the premises that is suitable for storage of all drugs and cash stored overnight on the licensed premises;

d) Exterior lighting that illuminates the exterior walls of the licensed premises and compiles with applicable provisions of this Ordinance; and
e) Deadbolt locks on all exterior doors and locks or bars on any other access points (i.e., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the methadone clinic. The methadone clinic shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the methadone clinic.

6. Fire Safety: All buildings associated with a methadone clinic shall be protected by the use of a fire suppression system and shall be approved by the Fire Chief. A methadone clinic shall have a Knox Box or shall provide the Fire department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

7. Visibility of Activities; Control of Emissions; and Disposal Plan:

A methadone clinic shall not adversely affect health and safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

a) All activities of the methadone clinic shall be conducted indoors in an enclosed and locked facility.

b) No drugs shall be displayed or kept in a methadone clinic so as to be visible from outside the premises. A clinic shall not have on-site displays of drugs and there shall be no window display.

c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a methadone clinic must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

d) All methadone clinics shall have in place an operational plan for proper disposal of drugs.

8. Other Laws Remain Applicable: A methadone clinic shall meet all operating and other requirements of state and local law and regulations. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulations governing methadone clinics, the stricter law or regulation shall control.

9. Maximum Number: The maximum number of methadone clinics in the Town shall be capped at one (1) and it shall operate from only one physical location.

10. Not-for-profit Corporation: A methadone clinic must operate on a not-for-profit
basis.

11. Application Submission Requirements: The applicant shall provide the Code Enforcement Officer with documentation of any required state or federal approvals for the methadone clinic.

28 WIND ENERGY FACILITY

1. Lot Line Setbacks

Wind Turbines shall have a lot line setback a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility.

2. Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the Planning Board shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

3. Building Permit

Building Permits are as required by Section 5, Subsection E of this Ordinance. All components of the Wind Energy Facility shall conform to relevant and applicable local, state and national building codes and shall meet the requirements of all applicable state and federal agencies.

4. Overspeed Controls and Brakes

Each Wind Turbine shall be equipped with an over speed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a Maine licensed engineer and found by the Planning Board, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

5. Access

All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

6. Blade Clearance

The minimum distance between the ground and all blades of a Wind Turbine shall be 25
feet as measured at the lowest arc of the blades.

7. Signal Interference

The Wind Energy Facility shall not cause any disruption or loss of radio, telephone, television, or similar signals and the operator shall make all efforts necessary to mitigate any disruption or loss.

8. Structure Type

With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived for type 1 facilities or if the Applicant demonstrates to the satisfaction of the Planning Board, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

9. Building-Mounted Wind Turbines

Building-mounted Wind Turbines are not permitted.

10. Visual Appearance

1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration requirements or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs except for warning signs and shall not display advertising.

11. Control of Noise

Noise emanating from a Wind Energy Facility shall be controlled in accordance with the provisions of Appendix A or Appendix B in accordance with Table S. If there is a conflict between a provision of Appendix A or Appendix B and other provision of this ordinance, the provision of Appendix A or B as determined by classification shall apply.

12. Warnings

Clearly visible warning signs concerning voltage must be placed at the base of all pad-mounted transformers and substations.

13. Artificial Habitat

The creation of artificial habitat for raptors or raptor prey shall be minimized. In making its
determination the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

14. Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 2. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

Wind Energy Facility applicants required to provide a visual impact assessment shall follow the charts and requirements of “Protecting Local Scenic Resource Community-Based Performance Standards by Robert F. Faunce” dated December of 2007, a copy of which is available in the Building Inspector and Codes Office. This shall only apply to Wind Energy Facilities.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 2., and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 1., the Planning Board shall consider:

   a. The significance of the potentially affected Scenic Resource;

   b. The existing character of the surrounding area;

   c. The expectations of the typical viewer;

   d. The Type 2 or Type 3 Wind Energy Facility’s purpose and the context of the proposed activity;

   e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public’s continued use and enjoyment of the Scenic Resource; and
f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

15 Shadow Flicker

Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s property.

16 Relationship to DEP Certification and Permitting

1. For Wind Energy Facility for which a DEP Certification has been submitted the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of subsections 1, 11, and 15. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 1, 11, and 15.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of subsections 1, 2, 11, 15, 21 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451 (9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of subsections 1, 2, 11, 15, 21 and, as it pertains to Scenic Resources of state or national significance as it pertains to section 14.5.

17 Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.
3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

18 Liability Insurance

The Applicant or an Applicant’s designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Code Enforcement Officer upon request.

19 Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

20 Public Inquiries and Complaints

1. The Applicant/owner or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.

2. The Applicant/Owner or its designee of type 2 and 3 facilities shall make reasonable efforts to respond to the public’s inquiries and complaints and shall provide written copies of all complaints and the company’s resolution or response to the Code Enforcement Officer upon request.

21 Decommissioning

The Applicant shall prepare a decommissioning plan in conformance with Appendix C. This shall not apply to type 1 and 2 facilities.

### TABLE S: Classification of Wind Energy Facilities, Noise Control Standards and Corresponding Local Review and Approval Authority

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max # of Turbines</th>
<th>Noise Control Standards</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;100 kW</td>
<td>&lt;80'</td>
<td>1</td>
<td>Appendix A or B</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;100 kW</td>
<td>&gt;80'</td>
<td>N/A</td>
<td>Appendix A or B</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
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<td>N/A</td>
<td>N/A</td>
<td>Appendix B</td>
<td>No(^1)</td>
<td>Planning Board</td>
</tr>
<tr>
<td>3</td>
<td>≥100 kW</td>
<td>N/A</td>
<td>N/A</td>
<td>Appendix B</td>
<td>Yes(^2)</td>
<td>Planning Board</td>
</tr>
</tbody>
</table>

\(^1\) Per 35-A MRS §3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator

\(^2\) Per 38 MRS §482(2)
COMMUNICATION TOWERS AND METEOROLOGICAL TOWERS

1 Lot Line Setbacks

Free standing Communication Towers and permanent Meteorological Towers shall be set back a horizontal distance equivalent to 150% of the structure height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed facility.

Communication Towers and Meteorological Towers that are mounted on or are physically attached to a building shall be set back a horizontal distance equivalent to 150% of the structure height from the highest level of attachment to the building.

2 Building Permit

Building Permits are as required by Section 5, Subsection E of this Ordinance. All components of the Communication Towers and Meteorological Towers shall conform to relevant and applicable local, state and national building codes and shall meet the requirements of all applicable state and federal agencies.

3 Access

All ground-mounted electrical equipment and all access doors shall be labeled and secured to prevent unauthorized access. A Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

4 Signal Interference

The Communication Towers and Meteorological Towers shall not cause any disruption or loss of radio, telephone, television, or similar signals and the operator shall make all efforts necessary to mitigate any disruption or loss.

5 Visual Appearance

A. A Communication Tower or Meteorological Tower shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration requirements or other applicable authority that regulates air safety.

B. A Communication Tower or Meteorological Tower shall not be used to support signs except for warning signs and shall not display advertising.

C. Free standing Communication Towers and Meteorological Towers shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the structure from Scenic Resources or shall be camouflaged. Communication Structures and Meteorological Towers that are mounted
on or are physically attached to a building shall be designed to appear as part of the building.

SECTION 5 – ADMINISTRATION

A. PLANNING BOARD

It shall be the duty of the Planning Board to review and act on applications for Conditional Use permits, review and act on requests to expand non-conforming uses and review and act on requests to change an existing non-conforming use to another non-conforming use as authorized per this ordinance.

B. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town of Pittsfield to identify violations of the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the owner or occupant, indicating the nature of the violation and ordering the action necessary to correct it. He shall also notify the Council of the written notice of a violation. He shall order the discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to insure compliance with or to prevent violation of its provisions.

The Code Enforcement Officer shall have the right of access to buildings and structures for inspection purposes as provided under 30-A M.R.S.A. 4452(1) and other applicable provisions of state law.

C. LEGAL ACTIONS AND VIOLATIONS

When any violation of any provisions of this Code shall be found to exist, the Town Council, after notice from the Code Enforcement Officer, shall assume sole responsibility for resolution the violation. Any resolution will be by the Council in the name of the Town. The Council may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. The Council shall adopt written procedures for its conduct in addressing a violation. This provision shall not prevent any person aggrieved by a violation of this Code from taking appropriate legal action against the violator.

D. FINES

Any person, firm, contractor or agent being the owner of or having control or use of any building or premises who violates any of the provisions hereof shall be in violation of this Ordinance and subject to an enforcement action under the terms of 30-A M.R.S.A. Section 4452.
E. **BUILDING PERMIT**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit, except as otherwise provided in this ordinance, issued by the Code Enforcement Officer or his designee. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. Development must commence within (6) months of the date of issuance of the building permit. If not, the permit is no longer valid, a new permit must be obtained and any changes in municipal Ordinances must be complied with. If the building or part is not substantially completed within 24 months of the issuing of the permit, the permit shall lapse. It may be renewed without charge upon application but any part of the development not completed must conform to any changes in the zoning or building Ordinances that may have been enacted since the date of issue.

F. **APPLICATION**

1) Unless excused by the Code Enforcement Officer, all applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration; and the proposed sewage disposal system as designed by a Licensed Site Evaluator or Soil Scientist. The Code Enforcement Officer may require at his discretion additional tests to be performed under his observation and at the expense of the applicant. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code. In addition, if water service is not available from the Pittsfield Water Department, the application shall identify the proposed water supply plan. The Plumbing Inspector must approve this plan and shall require in writing that an adequate and safe supply of water will be provided.

2) In all districts, the approval of building permit applications where on-site septic disposal is proposed shall be subject to prior obtainment of all required plumbing and Subsurface Wastewater Disposal system permits.

3) No building or structure of any kind shall be erected and no alteration of the natural contour of the land by grading or filling for any purpose shall be permitted in an area subject to periodic flooding or standing water.

G. **CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Ordinance.
A temporary Certificate of Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy. Failure to obtain a Certificate of Occupancy prior to use of the premises shall be a violation of this Code.

No Certificate of Occupancy shall be issued until the applicant has presented evidence to the Code Enforcement Officer that any restrictions or conditions of approval imposed by the Planning Board or Board of Appeals have been recorded in the County Registry of Deeds, either by means of notation(s) on a recorded plan or by filing of such other certificate as will provide record notice of such conditions of approval. The cost of recording any such plan or certificate shall be borne by the applicant.

H. FEE

The application for a building permit shall be accompanied by a fee. The fee shall be determined from the schedule of building permit fees adopted by order of the Town Council. No building permit shall be issued until the fee is paid.

SECTION 6 – CONDITIONAL USES

A. Conditional uses may be granted by the Planning Board after considering the characteristics and location of the proposed use and of other properties in the surrounding neighborhood, provided that the petitioner shall submit to the Board statements in writing, which may be accompanied by diagrams or photographs which shall become part of the record of such petitions, demonstrating that the proposed use:

1) Will meet the definition and any specific requirements set forth in this Ordinance for such particular use;

2) Will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structure;

3) Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare;

4) Will not have a significant adverse effect on adjacent or nearby property values;

5) Will not result in significant flood hazard or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

6) Will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

Upon showing that a proposed use is a conditional use in the district where it is to be located, a conditional use permit shall be granted unless the Board
determines that the proposed use will not meet one of the standards set forth in paragraphs 1) through 6) of this subsection.

B. Conditional uses in the Riverfront District. Conditional Uses in the Riverfront District may be granted by the Planning Board providing they meet all the conditions set forth in section 6 A above and the Board finds that the following conditions are met:

1) The proposed use meets the dimensional and performance standards of the strictest use district which it abuts.

2) If a residential development, the proposed use meets the maximum density standards of the strictest neighboring residential district, unless there is a distance of at least 150 feet between a developed use of the property and the property boundary. In such a case, a maximum residential density of 7500 square feet/unit may be allowed if the Planning Board finds that the lot and services can support that density.

3) The proposed use meets all applicable requirements of the Shoreland Zoning Ordinance and the Planning Board makes all findings necessary to approve a Shoreland Zoning Permit.

4) The proposed use and its impacts will protect the integrity of the Sebasticook River.

SECTION 7 – APPEALS

A. APPOINTMENT AND COMPOSITION

1) The Municipal Officers shall appoint members to the Board of Appeals.

2) The Board shall consist of seven (7) members and one associate member serving staggered terms of five (5) years for regular members and three (3) years for the associate member. The associate member shall act on the Board in place of a member who may be unable to act due to conflict of interest, absence, or physical incapacity. The board shall elect annually a chairman and secretary from its membership. The secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of four members. All decisions shall be by at least 4 affirmative votes of the Board.

3) Neither a Municipal Officer nor his or her spouse may serve as a member or an associate member of the Board.

4) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

5) A member of the Board may be dismissed for cause by the Municipal Officers before the expiration of his/her term.
B. **POWERS AND DUTIES**

Appeals shall lie from a decision of the Code Enforcement Officer or Planning Board to the Board of Appeals, except as otherwise provided, and from the Board of Appeals to the Superior Court as provided by law (Title 30-A, §2691, MRSA).

The Board of Appeals shall have the following powers and duties:

1) **Administrative Appeals.** To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer or Planning Board in the administration of this Code. The action of the Code Enforcement Officer or Planning Board may be modified or reversed by the Board of Appeals, by majority vote.

NOTE: Enforcement decisions made by the Code Enforcement Officer are not appealable to the Board of Appeals. An “enforcement decision” is any decision concerning land use activities that is in violation of the municipal ordinances and includes but is not limited to “stop work orders,” notices of violation and commencement of a civil action under rule 80 K, Maine Rules of Civil Procedure.

2) **Variance Appeals.** To authorize variances upon appeal, within the limitations set forth in this Ordinance. Variances may be granted by the Board from the restrictions imposed by this Ordinance on frontage, lot size, structure height, percent of lot coverage and setback requirements.

Variances shall not be granted for the establishment of any use otherwise prohibited by this Ordinance.

Except as provided in 3 and 4 of this section a variance may be granted by the Board only where strict application of the Ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words “undue hardship” as used in this subsection mean:

a) the land in question cannot yield a reasonable return unless a variance is granted.

b) the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c) the granting of a variance will not alter the essential character of the locality; and

d) the hardship is not the result of action taken by the applicant or a prior owner.

3) **Disability Variance.** The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to
or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, §4553, MRSA and the term “structures necessary for access to or egress from the property” is defined to include railing wall or roof systems necessary for the safety or effectiveness of the structure.

4) Variance from dimensional standards. The Board of Appeals may grant a variance from the dimensional standards of this ordinance when the strict application of the ordinance to the petitioner and the petitioner’s property would cause a practical difficulty and when the following conditions exist:

a) The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

b) The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

c) The practical difficulty is not the result of action taken by the petitioner or a prior owner;

d) No other feasible alternative to a variance is available to the petitioner;

e) The granting of a variance will not unreasonably adversely affect the natural environment; and

f) The property is not located in whole or in part within Shoreland areas as described in Title 38, section 435.

As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection “practical difficulty” means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

In granting by majority vote any variance hereunder, the Board of Appeals shall take into consideration the following and may impose such conditions as it deems necessary in furtherance of the intent and purpose of this Code:

location, character and natural features
fencing and screening
landscaping, topography, and natural drainage
vehicular access, circulation and parking
pedestrian circulation
signs and lighting
C. APPEAL PROCEDURE

1) Except as otherwise provided, a person aggrieved by a decision of the Code Enforcement Officer or Planning Board shall commence his/her appeal within thirty (30) days after issuance of a written decision. The appeal shall be filed with the Town Clerk on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. A non-refundable fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the appellant to the Town of Pittsfield at the time of filing his/her appeal. Each appeal shall be filed on a separate form. A separate fee shall be assessed for each appeal except that a single fee shall be assessed for multiple appeals filed by the same appellant, concerning the same property, and scheduled to be heard by the Board of Appeals at the same proceeding.

2) Before taking action on any appeal, the Board of Appeals shall hold a public hearing. The Town Clerk shall cause notice of the appeal to be published in a newspaper of general circulation in the Town at least seven days prior to the date of hearing. The notice shall be in a form which the Town Clerk deems to be an adequate summary of the appeal.

3) Following the filing of an appeal, the Town Clerk shall notify forthwith the Board of Appeals, the Code Enforcement Officer and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 7 days the mailing of notices but within sixty (60) days of the filing of the formal appeal.

4) In the case of administrative and variance appeals, the Town Clerk shall notify by mail only the owners of property abutting the property for which an appeal is taken of the nature of the appeal and of the time and place of the public hearing thereon.

5) For the purposes of this section, the owners of property shall be considered to be the parties listed by the Assessor of Taxes for the Town of Pittsfield as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

6) Written notice of the decision of the Board of Appeals shall be sent by certified mail to the appellant within seven (7) days of the decision by the Board. Copies of the decision shall also be provided to the Town Council, the Planning Board Chairperson and the Code Enforcement Officer within 7 days of the decision.

7) At any hearing, a party may appeal by agent or attorney. Hearing shall not be continued to other times except for good cause.

8) The Code Enforcement Officer or his/her representative as designated by the Town Manager shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal.

9) The appellant’s case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
10) An approval under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date on which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.

11) If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

12) The applicant shall record any restrictions or conditions of approval imposed by the Board of Appeals before any Building Permit or Certificate of Occupancy shall be issued.

13) The Board shall keep a record of each appeal filed, noting the date of filing, the date when received from the Town Clerk, the date of hearing, and the person by whom such appeal was formally presented at the hearing. The Board shall record in writing the reasons for its actions and the final disposition of each appeal entertained, and may similarly record its rejection and reasons for rejection of any request for an appeal not entertained by the Board.

14) Any variance granted must be recorded in the Somerset County Registry of Deeds within 90 days of the date of the granting of the variance, as required by 30-A, M.R.S.A. Section 4353(5). The variance is not valid until recorded. Failure to record a variance within the required period of time shall render the variance void.

15) An appeal of a decision of the Board of Appeals in the administration of this ordinance may be initiated by an aggrieved party within 45 days of the original decision by the Board of Appeals. Such action must be to the Superior court under the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury.

SECTION 8 - DEFINITIONS

Unless otherwise specified in this Ordinance, the definitions applicable to this ordinance shall be as found in Chapter 13C. Land Use Definitions Ordinance.

APPENDIX A

Noise Standards for Type 1A and Type 1B Wind Energy Facilities

Noise emanating from a Type 1A or Type1 B Wind Energy Facility shall be controlled in accordance with the provisions of this appendix or, upon the written request of the applicant, the provisions of appendix B. If the Applicant chooses review under appendix B, the provisions of sections 1, 2 and 6 shall apply, but the provisions of section 3, 4 and 5 shall not apply.
1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 5 shall not exceed the limits specified for the following locations and times:
   a. At a Protected Location with no living and sleeping quarters:
      
      55 dBA during the Protected Location’s regular hours of operation
   
   b. At a Protected Location with living and sleeping quarters:

      Area(s) within 500 feet of living and sleeping quarters:
      45 dBA between 7:00 p.m. and 7:00 a.m.
      55 dBA between 7:00 a.m. and 7:00 p.m.

      Area(s) more than 500 feet from living and sleeping quarters:
      55 dBA at all times.

   c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:

      75 dBA at all times.

4. The Planning Board shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under this appendix have been met, subject to the Applicant’s obligation to take remedial action as necessary under section 8.1.i of the Site Plan Review Ordinance.

5. The Code Enforcement Officer or his agent may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer’s own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in this appendix. Such measurements shall be performed as follows:

   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).

   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter
shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.

c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of this appendix. If, based on post-installation measurements taken in accordance with this appendix the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant’s expense and in accordance with the Town of Pittsfield's Chapter 13 Zoning Ordinance and in consultation with the Code Enforcement Officer, take the remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:

a. modification or limitation of operations during certain hours or wind conditions;

b. maintenance, repair, modification or replacement of equipment;

c. relocation of the Wind Turbine(s); and,

d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

e. All testing costs shall be paid by the applicant or the facility owner. (This is to include testing required by Appendix A and B).

f. The Code Enforcement Officer may require all testing be done by a Maine licensed engineer.

APPENDIX B

Control of Noise

Pursuant to Wind Energy Facility, section 11, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

A. Sound Level Limits

1. Sound from Routine Operation of Facility

a. Except as noted in subsections (b) and (c) below, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits:
i. At any property line of the facility site or contiguous property owned by the Applicant or Participating Land Owner(s), whichever is farther from the proposed facility’s regulated sound sources:

75 dBA at any time of day

ii. At any Protected Location in an area for which the zoning is not predominantly commercial, transportation, or industrial;

60 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
50 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit")

iii. At any Protected Location in an area for which the zoning is predominantly commercial, transportation, or industrial;

70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and 60 dBA between 7:00 p.m. and 7:00 a.m. (the 'nighttime hourly limit')

iv. When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a Protected Location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a Protected Location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits at that Protected Location:

55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and 45 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit")

For the purpose of determining whether a Protected Location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 45 dBA or 35 dBA, respectively, the Applicant may make sound level measurements in accordance with the procedures in subsection F or may estimate the sound-level based upon the population density and proximity to local highways. If the resident population within a circle of 3,000 feet radius around a Protected Location is greater than 300 persons, or the hourly sound level from highway traffic at a Protected Location is predicted to be greater than 45 dBA in the daytime or 35 dBA at night, then the Applicant may estimate the daytime or nighttime pre-development ambient hourly sound level to be greater than 45 dBA or 35 dBA, respectively.


v. Notwithstanding the above, the Applicant need not measure or estimate the pre-development ambient hourly sound levels at a Protected Location if he demonstrates, by estimate or example, that the hourly sound levels resulting from routine operation of the facility will not exceed 50 dBA in the daytime or 40 dBA at
b. If the Applicant chooses to demonstrate by measurement that the daytime and/or nighttime pre-development ambient sound environment at any Protected Location near the facility site exceeds the daytime and/or nighttime limits in subsection 1(a)(ii) or 1(a)(iii) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

c. For any Protected Location near an existing facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility shall be the applicable hourly sound level limit of 1(a) or 1(b) above, or, at the Applicant's election, the existing hourly sound level from routine operation of the existing facility plus 3 dBA.

d. For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the facility.

e. When routine operation of a facility produces short duration repetitive sound, the following limits shall apply:

i. For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits.

ii. For short duration repetitive sounds which the municipal entity responsible for review and approval of a pending application under section 4.9.1 determines, due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:

a. At any Protected Location in an area for which the zoning is not predominantly commercial, transportation, or industrial:

65 dBA between 7:00 a.m. and 7:00 p.m., and
55 dBA between 7:00 p.m. and 7:00 a.m.

b. At any Protected Location in an area for which the zoning is predominantly commercial, transportation, or industrial:

75 dBA between 7:00 a.m. and 7:00 p.m., and
65 dBA between 7:00 p.m. and 7:00 a.m.

c. If the Applicant chooses to demonstrate by measurement that the pre-
development ambient hourly sound level at any Protected Location near the facility site exceeds 60 dBA between 7:00 a.m. and 7:00 p.m., and/or 50 dBA between 7:00 p.m. and 7:00 a.m., then the maximum sound level limit for short duration repetitive sound shall be 5 dBA greater than the measured pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

d. For any Protected Location near an existing facility, the maximum sound level limit for short duration repetitive sound resulting from routine operation of the existing facility and all future expansions and modifications of that facility shall be the applicable maximum sound level limit of (e)(ii)(a) or (e)(ii)(b) above, or, at the Applicant's election, the existing maximum sound level of the short duration repetitive sound resulting from routine operation of the existing facility plus 3 dBA.

NOTE: The maximum sound level of the short duration repetitive sound shall be measured using the fast response \([LAFmax]\). See the definition of maximum sound level.

2. Sound from Construction of a Facility

a. The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

i. Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

ii. If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

iii. Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by the Code Enforcement Officer.

b. Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any Protected Location:

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
</tr>
<tr>
<td>8 hours</td>
<td>90 dBA</td>
</tr>
<tr>
<td>6 hours</td>
<td>92 dBA</td>
</tr>
<tr>
<td>4 hours</td>
<td>95 dBA</td>
</tr>
<tr>
<td>3 hours</td>
<td>97 dBA</td>
</tr>
<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>

c. All equipment used in construction on the facility site shall comply with applicable federal noise regulations and shall include environmental noise control devices in
proper working condition, as originally provided with the equipment by its manufacturer.

3. Sound from Maintenance Activities

a. Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection 1.

b. Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection 2. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection 2.

B. Submissions

1. Facilities with Minor Sound Impact

An Applicant proposing a facility with minor sound impact may choose to file, as part of the permit application, a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of this ordinance, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the Applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under Section A. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

2. Other Facilities

Technical information shall be submitted describing the Applicant's plan and intent to make adequate provision for the control of noise. The applicant's plan shall contain information such as the following, when appropriate:

a. Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the facility.

b. A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed facility, including their locations within the proposed facility.

c. A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at Protected Locations near the proposed facility.
d. A description of the Protected Locations near the proposed facility.

e. A description of proposed major sound control measures, including their locations and expected performance.

f. A comparison of the expected sound levels from the proposed facility with the sound level limits of this regulation.

C. **Conditions of Approval**

The Planning Board may, as condition of approval, establish any reasonable requirement to ensure that the Applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on Protected Locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the Planning Board from requiring an Applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations in accordance with Chapter 13, Wind energy Facility, section 2. In addition, the sound level limits shall not preclude the Planning Board, as condition of approval, from requiring that lower sound level limits be met to ensure that the Applicant has made adequate provision for the protection of wildlife.

D. **Waiver from Sound Level Limits**

The Town of Pittsfield recognizes that there are certain facilities or activities associated with facilities for which noise control measures are not reasonably available. Therefore, the Planning Board may grant a waiver from any of the sound level limits contained in this ordinance upon (1) a showing by the Applicant that he or she has made a comprehensive assessment of the available technologies for the facility and that the sound level limits cannot practicably be met with any of these available technologies, and (2) a finding by the Planning Board that the proposed facility will not have an unreasonable impact on Protected Locations. In addition, a waiver may be granted by the Planning Board if (1) a facility is deemed necessary in the interest of national defense or public safety and the Applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the Planning Board that the proposed facility will not have an unreasonable impact on Protected Locations. The Planning Board shall consider the request for a waiver as part of the review of a completed permit application. In granting a waiver, Planning Board may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

E. **Definitions**

Terms used herein are defined below for the purpose of this noise regulation.

**AMBIENT SOUND**: At a specified time, the all-encompassing sound associated with a given
environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

**ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section F(4.2).]

**EQUIVALENT SOUND LEVEL:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

**HOURLY SOUND LEVEL:** The equivalent sound level for one hour measured or computed in accordance with this ordinance.

**MAXIMUM SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: LAFmax.

**MAXIMUM SOUND:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

**PRE-DEVELOPMENT AMBIENT SOUND:** The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

**SHORT DURATION REPETITIVE SOUNDS:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.

**SOUND COMPONENT:** The measurable sound from an audibly identifiable source or group of sources.

**SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

**SOUND PRESSURE:** Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

**SOUND PRESSURE LEVEL:** Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

**TONAL SOUND:** for the purpose of this ordinance, a tonal sound exists if, at a Protected Location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8
dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:


F. Measurement Procedures

1. Scope. These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the facility, and define the information to be reported. The same methods shall be used for measuring the sound of construction and maintenance activities.

2. Measurement Criteria

2.1 Measurement Personnel

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the municipal entity responsible for review and approval of the pending application under 9.1.

2.2 Measurement Instrumentation

a. A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983.

b. An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).

c. A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11-1986 for Order 3, Type 3-D performance.

d. An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984.

e. (e) A microphone windscreen shall be used of a type recommended by the
manufacturer of the sound level meter.

2.3 Calibration

a. The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

b. Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

2.4 Measurement Location, Configuration and Environment

a. Except as noted in subsection (b) below, measurement locations shall be at nearby Protected Locations that are most likely affected by the sound from routine operation of the facility.

b. For determining compliance with the 75 dBA property line hourly sound level limit described in subsection A(1)(a)(i), measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant, as appropriate.

c. The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

d. Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.

e. When possible, measurement locations should be at least 50 feet from any regulated sound source on the facility.

f. Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results.

2.5 Measurement Plans. Plans for measurement of pre-development ambient sound or post-facility sound may be discussed with the Code Enforcement Officer.

3. Measurement of Ambient Sound

3.1 Pre-development Ambient Sound

Measurements of the pre-development ambient sound are required only when the Applicant elects to establish the sound level limit in accordance with subsections A(1)(b) and A(1)(e)(ii)(d) for a facility in an area with high ambient sound levels, such as near highways, airports, or pre-existing facilities; or when the Applicant elects to establish that the daytime and nighttime ambient hourly sound levels at representative Protected Locations exceed 45 dBA and 35 dBA, respectively.
a. Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.

b. Measurement periods with particularly high ambient sounds, such as during holiday traffic activity, significant insect activity or high coastline waves, should generally be avoided.

c. At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

3.2 Post-Facility Ambient Sound

a. Measurements of the post-facility ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the facility, the maximum sound levels made at nearby Protected Locations and during representative routine operation of the facility that are not greater than the applicable limits of subsection C clearly indicate compliance with those limits.

b. Compliance with the limits of subsection A(l)(b) may also be demonstrated by showing that the post-facility ambient hourly sound level, measured in accordance with the procedures of subsection 3.1 above during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the facility is not characterized by either tonal sounds or short duration repetitive sounds.

c. Compliance with the limits of subsection A(l)(e)(ii)(d) may also be demonstrated by showing that the post facility maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection 3.1 above, during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than five decibels.

d. If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the facility in accordance with the procedures described in subsection 4.

4. Measurement of the Sound from Routine Operation of Facility

4.1 General

a. Measurements of the sound from routine operation of facilities are generally
necessary only for specific compliance testing purposes in the event that community complaints result from operation of the facility, for validation of an Applicant's calculated sound levels when requested by the Planning Board for determination of existing hourly sound levels for an existing facility or for enforcement by the Code Enforcement Officer.

b. Measurements shall be obtained during representative weather conditions when the facility sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the facility and inversion periods (which most commonly occur at night).

c. Measurements of the facility sound shall be made so as to exclude the contribution of sound from facility equipment that is exempt from this regulation.

4.2 Measurement of the Sound Levels Resulting from Routine Operation of the Facility

a. When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the facility. These additional measurements may include diagnostic measurements such as measurements made close to the facility and extrapolated to the Protected Location, special checkmark measurement techniques that include the separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-facility sounds.

b. For the purposes of computing the hourly sound level resulting from routine operation of the facility, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.

c. Identification of tonal sounds produced by the routine operation of a facility for the purpose of adding the 5 dBA penalty in accordance with subsection A(I)(d) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the facility are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.

d. Identification of short duration repetitive sounds produced by routine operation of a facility requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the facility and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the facility are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be measured using the fast response [LAFmax]. The duration and the frequency of occurrence of the events shall also be measured. In some cases, the sound exposure levels of the events may be measured. The one hour
equivalent sound level of a short duration repetitive sound may be determined from measurements of the maximum sound level during the events, the duration and frequency of occurrence of the events, and their sound exposure levels.

e. The daytime or nighttime hourly sound level resulting from routine operation of a facility is the energy sum of the hourly sound level components from the facility, including appropriate penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or nighttime sound level limit, then the facility is in compliance with that sound level limit at that Protected Location.

5. Reporting Sound Measurement Data. The sound measurement data report should include the following:

a. The dates, days of the week and hours of the day when measurements were made.
b. The wind direction and speed, temperature, humidity and sky condition.
c. Identification of all measurement equipment by make, model and serial number.
d. The most recent dates of laboratory calibration of sound level measuring equipment.
e. The dates, times and results of all field calibrations during the measurements.
f. The applicable sound level limits, together with the appropriate hourly sound levels and the measurement data from which they were computed, including data relevant to either tonal or short duration repetitive sounds.
g. A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.
h. A description of the sound from the facility and the existing environment by character and location.

APPENDIX C

Decommissioning Plan

Pursuant to Wind Energy Facility, section 21, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.
[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Codes Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.

1 Ordinance 04-04, 3/2/04
2 Ordinance 03-32A, 12/02/03
3 Ordinance 02-25, 10/15/02
4 Ordinance 03-29, 10/21/03
5 Ordinance 02-18, 08/06/02
6 Ordinance 06-02, 02/21/06
7 Ordinance 06-02, 02/21/06
8 Ordinance 05-10, 06/08/05
9 Ordinance 06-02, 02/21/06
10 Ordinance 06-02, 02/21/06
11 Ordinance 06-04, 02/21/06
12 Ordinance 04-09, 4/20/04
13 Ordinance 06-03, 02/21/06
14 Ordinance 03-32A, 12/02/03
15 Ordinance 04-02, 3/02/04
16 Ordinance 05-04, 03/15/05
17 Ordinance 03-29, 10/21/03
18 Ordinance 04-03, 03/02/4
19 Ordinance 08-10, 04/15/08
20 Ordinance 10-09, 07/13/10
21 Ordinance 11-07, 08/16/11
22 Ordinance 14-03, 04/01/14
23 Ordinance 14-04, 04/01/14
24 Ordinance 15-03, 03/03/15
25 Ordinance 15-03, 03/03/15
26 Ordinance 16-09, 08/16/16
27 Ordinance 16-09, 08/16/16
28 Ordinance 16-09, 08/16/16
29 Ordinance 16-09, 08/16/16
30 Ordinance 17-07, 10/17/17

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### TABLE P - RESIDENTIAL AND RURAL DISTRICT USE AND DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R - 1 Residential District</th>
<th>R - 2 Residential District</th>
<th>R - 3 Residential District</th>
<th>R - 4 Residential District</th>
<th>C - 4 Rural District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>Min. 22,500 sq. ft/unit</td>
<td>Min. 10,000 sq. ft/unit</td>
<td>Min. 10,000 sq. ft/unit (4)</td>
<td>Min. 22,500 sq. ft/unit (4)</td>
<td>Min. 1 Acre/Unit</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>Minimum 75 feet</td>
<td>Minimum 50 feet</td>
<td>Minimum 50 feet (4)</td>
<td>Minimum 150 feet (4)</td>
<td>Minimum 200 ft.</td>
</tr>
<tr>
<td>Maximum planned Development density (5)</td>
<td>15.00 sq. ft/unit (5)</td>
<td>7,500 sq. ft/unit (5)</td>
<td>7,500 sq. ft/unit (5)</td>
<td>10,000 sq. ft/unit (5)</td>
<td>Minimum 2 Acres/Unit</td>
</tr>
<tr>
<td>Building Size</td>
<td>Minimum 1,200 sq. ft.</td>
<td>Maximum 35 feet</td>
<td>Maximum 24 feet (20%)</td>
<td>Minimum 24 feet (30%)</td>
<td>Minimum 750 sq. ft.</td>
</tr>
<tr>
<td>Building Height</td>
<td>Minimum 750 sq. ft.</td>
<td>Maximum 35 feet</td>
<td>Minimum 24 feet (30%)</td>
<td>Minimum 24 feet</td>
<td>Maximum 35 feet</td>
</tr>
<tr>
<td>Building Width</td>
<td>Minimum 14 feet</td>
<td>Minimum 35 feet</td>
<td>Minimum 24 feet (30%)</td>
<td>Minimum 24 feet</td>
<td>Minimum 14 feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>Minimum 30 feet</td>
<td>Minimum 20 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 20 feet</td>
</tr>
<tr>
<td>Street Setback (1)</td>
<td>Minimum 40 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 40 feet</td>
<td>Minimum 50 feet</td>
</tr>
<tr>
<td>Setback all Other Boundaries (3)</td>
<td>Minimum 30 feet</td>
<td>Minimum 20 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 30 feet</td>
<td>Minimum 50 feet</td>
</tr>
</tbody>
</table>

**Principal Uses (6)**

- Single family dwellings, home occupations, municipal utilities, essential services (6), schools, planned residential developments, community centers, parks and playgrounds, outdoor recreation facilities, accessory apartments
- Single family dwellings, two family dwellings (2), mobile homes and parks, home occupations, community centers, churches, professional offices, municipal utilities, essential services (6), schools, planned residential developments, outdoor recreation facilities, accessory apartments
- Single family dwellings, two family dwellings, multiple family dwellings at densities no greater than 1 unit per 5,000 sq. ft. of lot area, home occupations, municipal utilities, essential services (6), schools, planned residential developments, outdoor recreation facilities, professional offices, libraries, churches, parks and playgrounds, accessory apartments
- Single family dwellings, two family dwellings, mobile homes, planned residential developments and mobile home parks limited to no greater than 4 mobile homes, boarding kennels, agriculture, forestry, home occupations, On-site natural resource based industries, essential services (6), retail uses which meet one or more of the following conditions: the activity: a) occurs as a home based enterprise, b) involves the sale of goods that are either grown, made or substantially altered on the premises, or of services related to those goods, c) attracts an average of less than 25 car trips of retail customer per day, d) occurs less frequently than 15 days in a given year. Other non-retail uses including civic and recreational are permitted if they meet traffic standards c and d above, accessory apartments. **Large scale commercial development in the C-4 district shall be limited to the CDOC Corridor Development Overlay District.**

**Conditional Uses**

- Charitable/Benevolent Associations
- Day Care Homes, Class A, boarding homes and assisted living facilities, Charitable/Benevolent Associations, Wind Energy Facility, Communications Towers, and Metrological Towers
- Day Care Centers, Day Care Homes, Class A, Charitable/Benevolent Associations
- Day Care Centers, Day Care Homes, Class A, Charitable/Benevolent Associations, Wind Energy Facility, Communications Towers and Metrological Towers
- Mineral exploration, extraction and gravel pits. Day Care Homes, Class C, Charitable/Benevolent Associations, Wind Energy Facility, Communications Towers and Metrological Towers

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1. Measurement is taken from the edge of the road right of way.  
2. Not withstanding the road frontage and lot area requirements of the ordinance, a two-family dwelling legally existing on the effective date of this ordinance, as documented on the Municipal Tax records, may be expanded by one dwelling unit. Any such expansion is subject to Site Plan Review by the Planning Board and must comply with the State of Maine Subsurface Waste Water Disposal Rules and Minimum Lot law. Except as specifically provided, the expansion shall be subject to the setback requirements of the ordinance and shall not result in any increase in an existing non-conformity or cause a new non-conformity.  
3. Expect as otherwise allowed in Section 4.1.a. of this ordinance.  
4. Except as otherwise allowed in Section 4, Conversions to Multi-Family Structures.  
5. Individual lots of variable sizes are permitted in a permitted in a planned residential development according to a unified design plan as approved by the Planning Board. The Planning Board may vary the lots frontage and setbacks for individual lots as part of its review.  
6. Electric power transmission lines and their related towers, wire runs and equipment are required to meet the property line setback standards of the district in which located. Where such transmission lines are located in an easement, the setback shall be measured from the edge of the easement.
# TABLE Q - COMMERCIAL DISTRICT USE AND DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>DIMENSIONAL STANDARD</th>
<th>C-1 TOWN CENTER DISTRICT</th>
<th>C-2 HIGHWAY COMMERCIAL DISTRICT</th>
<th>C-3 INDUSTRIAL DISTRICT</th>
<th>*CDOC - CORRIDOR DEVELOPMENT OVERLAY DISTRICT</th>
<th>*MSOD - MEDICAL SERVICES OVERLAY DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>No Minimum</td>
<td>Minimum 40,000 sq. ft.</td>
<td>Minimum 2 Acres</td>
<td>Minimum 2 Acres</td>
<td>Minimum 10,000 sq. ft.</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>20 feet</td>
<td>200 feet</td>
<td></td>
<td></td>
<td>100 feet</td>
</tr>
<tr>
<td>Min. Building Size</td>
<td>No Minimum</td>
<td>No Minimum</td>
<td>No Minimum</td>
<td>No Minimum</td>
<td></td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td>No Minimum</td>
<td>30 feet</td>
<td>50 feet</td>
<td>30 feet</td>
<td></td>
</tr>
<tr>
<td>Rear Setback</td>
<td>No Minimum</td>
<td>20 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Side Setback</td>
<td>No Minimum</td>
<td>20 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Max. Lot Coverage</td>
<td>No Maximum</td>
<td>65%</td>
<td>60%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Principal Uses</td>
<td>Retail stores, professional offices, banks, restaurants, government offices, consumer services, essential services (6), indoor recreational facilities, residential units on the second floor of commercial buildings, Charitable/Benevolent Associations, Day Care Centers, uses similar to the above and consistent with the Comprehensive Plan.</td>
<td>Travel and vehicle-oriented sales and services and retail uses that are too land-intensive for the Town Center district such as vehicle sales, shopping centers, gasoline service stations, motels, sales of machinery and equipment, wholesaling and warehousing, commercial greenhouses, essential services (6), Charitable/ Benevolent Associations, Call Centers, Day Care Centers, Mixed use complexes, uses similar to the above and consistent with the Comprehensive Plan.</td>
<td>Manufacturing and transportation related activities, wholesaling, office space associated with a manufacturing concern or independently developed, high-tech employers, call centers, Home Occupations in existing non-conforming residential structures, essential services (6), Charitable/Benevolent Associations, Day Care Centers, Mixed use complexes, uses similar to the above and consistent with the Comprehensive Plan.</td>
<td>Land intensive commercial enterprises which do not require public water and sewer such as large equipment dealerships and lumberyards, junkyards, traffic intensive recreational activities such as amusement parks, race tracks and outdoor flea markets</td>
<td>Doctors and dentists offices, health related laboratories, rehabilitation centers, nursing or boarding homes, clinics, veterinary clinics and other medical facilities, Day Care Centers</td>
</tr>
<tr>
<td>Conditional Use</td>
<td>Communications Towers and Meteorological Towers</td>
<td>Medical Marijuana Dispensary, Wind Energy Facility, Communications Towers and Meteorological Towers</td>
<td>Medical Marijuana Dispensary, Wind Energy Facility, Communications Towers and Meteorological Towers</td>
<td>Wind Energy Facility, Communications Towers and Meteorological Towers</td>
<td>Medical Marijuana Dispensary, Methadone Clinic, Communications Towers and Meteorological Towers</td>
</tr>
</tbody>
</table>

(1) Measurement is taken from the edge of the road right of way. N/A Not applicable in this district.

*Mobile Home Parks shall not be allowed in the District. Existing Mobile Home Parks shall not be expanded.

(6) Electric power transmission lines and their related towers, wire runs and equipment are required to meet the property line setback standards of the district in which located. Where such transmission lines are located in an easement, the setback shall be measured from the edge of the easement.
# TABLE R - SPECIAL DISTRICT USE AND DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>DIMENSIONAL STANDARD</th>
<th>RF - RIVERFRONT DISTRICT</th>
<th>APD - AGRICULTURAL PROTECTION DISTRICT</th>
<th>SOD - SCENIC OVERLAY DISTRICT</th>
<th>AOD - AIRPORT OVERLAY DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>Proposed use meets all the standards of the strictest use district which it abuts</td>
<td>No Minimum</td>
<td>Same as underlying District(s)</td>
<td>Same as underlying District(s)</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td></td>
<td>No Minimum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Planned Development Density</td>
<td>Proposed use meets the maximum density standards of strictest use district which it abuts except as outlined in the conditional use standards</td>
<td>N/A</td>
<td>Same as underlying District(s)</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Area</td>
<td>Proposed use meets all the standards of the strictest use district which it abuts</td>
<td>Same as underlying District(s)</td>
<td>Same as underlying District(s)</td>
<td>Same as underlying District(s)</td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Uses</td>
<td>none</td>
<td>Agriculture and Open Space</td>
<td>Same as underlying District(s) except that housing not directly related to airport activities shall not be permitted and all tree harvesting must be consistent with airport use as specified by the Town Airport Committee. The following uses shall be permitted: Hangars with accessory apts., restaurants, parking, airport maintenance and fueling facilities, and all other airport related activities</td>
<td>Same as underlying district(s) except that housing not directly related to airport activities shall not be permitted and all tree harvesting must be consistent with airport use as specified by the Town Airport Committee. The following uses shall be permitted: Hangars with accessory apts., restaurants, parking, airport maintenance and fueling facilities, and all other airport related activities</td>
</tr>
<tr>
<td>Conditional Uses</td>
<td>Residential Industrial Essential Services (6)</td>
<td>Wind Energy Facility, Communications Towers and Meteorological Towers</td>
<td>Same as underlying District(s), Wind Energy Facility, Communications Towers and Meteorological Towers</td>
<td>Wind Energy Facility, Communications Towers and Meteorological Towers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(6) Electric power transmission lines and their related towers, wire runs and equipment are required to meet the property line setback standards of the district in which located. Where such transmission lines are located in an easement, the setback shall be measured from the edge of the easement.
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CHAPTER 13A. FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Pittsfield, 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 Pittsfield, 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 Pittsfield, 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 Pittsfield 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 as may be amended from time to time.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Pittsfield 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 Pittsfield, 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 Pittsfield, Maine, Somerset County," dated January 19, 1996 with accompanying "Flood Insurance Rate Map" dated January 19, 1996, 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 that may be required pursuant to the codes and ordinances of the Town of Pittsfield, 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 Pittsfield, Maine," as described in Article I; or,
   b. 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;

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 new or substantially improved structures;

J. Either an Elevation Certificate (FEMA Form 81-31, 03/97, as amended) completed by a Professional Land Surveyor, registered professional engineer or architect; or, for non-residential structures to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These Certificates verify that the elevations shown on the application are accurate;

K. Certifications as required in Article VI by a registered professional engineer or architect that:

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1. 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. engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.;

3. bridges will meet the standards of Article VI.M.;

4. 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 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or 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 Code Enforcement Officer 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, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Pittsfield, Maine," as described in Article I. 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 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;
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. Issue one of the following Flood Hazard Development Permits based on the type of development:

1. 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 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. Issue 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. Issue 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 floodwaters 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, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway 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 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 storing of articles and equipment used for maintenance of the building.

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. Docks - New construction or substantial improvement of docks is permitted in Zones
AE and A, in and over water if the following requirements are met:

1. docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial 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 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 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 Pittsfield may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer 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
Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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.

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.

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.

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.

ARTICLE X - ENFORCEMENT AND PENALTIES
A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA §4452 as may be amended from time to time.

B. The penalties contained in Title 30-A MRSA §4452 as may be amended from time to time shall apply to any violation of this Ordinance.

C. In addition to any other actions, the CEO, 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

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Definitions apply to all Land Use Ordinances unless otherwise specified.
**Abutting Property:** Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**Accessory Building:** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**Accessory Structure:** A structure that is incidental and subordinate to the principal use or structure. 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.

**Accessory Use:** A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. Such use shall include one accessory apartment that is clearly a subordinate unit related to the main residence. Such unit shall not be counted as a second whole unit for the purposes of zoning, however adequate off street parking shall be required and all requirements of the State of Maine Plumbing Code shall be met.

**Addition:** Any proposed change which increases the size of a building.

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

**Affordable Housing:** Housing units which will meet the sales price and/or rental targets established by the U.S. Department of Housing and Urban Development for housing affordability.

**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.

**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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**Alteration:** A change, addition, or modification, requiring construction, including any change in the location of structural members of buildings such as bearing walls, columns, beams, or girders which would alter or affect any exterior architectural features.

**Antenna:** A system of electrical conductors that emit or receive radio waves, including microwave dishes.

**Applicant:** The person applying for subdivision approval under these regulations.

**Aquaculture:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.
**Area of Special Flood Hazard:** 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 1 of the Flood Plain Management Ordinance.

**Arterial:** A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

**Attic:** The unfinished portion or portions of a building which are located immediately below and wholly or partly within the roof framing.

**Automobile Graveyard:** A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked automobiles.

**Average Daily Traffic (ADT):** The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

**Backlot:** A lot that has no frontage on a road, street or private way. Backlots shall not be permitted in the Town of Pittsfield.

**Banner:** Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

**Basal Area:** The area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

**Base Flood:** 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.

**Billboard:** A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

**Boardinghouse:** A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation.

**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.

**Buffer Area:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** see **Structure**.
**Building Height:** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

**Building Width:** The minimum horizontal dimension of the principal part of the building. The width shall not include outside porches not used as normal living space.

**Business and Professional Offices:** Offices for the conduct of business which involve no sales of products available on the premises, except those pertaining to the profession, or storage of materials or equipment which are used off the premises. The following uses are not considered business and professional offices:

1) Distribution facilities  
2) Sales offices involving on-premises display and sales of materials  
3) Offices of building contractors involving the storage of materials or equipment

**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.

**Capital Improvements Program (CIP):** The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Capital Investment Plan:** The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

**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.

**Change from One Category of Nonresident Use to Another Category of Nonresidential Use:** A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

**Charitable/Benevolent Association:** A non-profit organization that is not organized or operated for the purpose of carrying on a trade or business. No part of its net earnings may benefit any member of the association. The purpose shall be to provide religious, social, physical, recreational and/or benevolent benefits to its members/associates.

**Code Enforcement Officer:** A person appointed by the municipal officers to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

**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.

**Common Open Space:** Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

**Comprehensive Plan:** A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

**Corner Lot:** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. Such corner lots shall be deemed to have two front yard setbacks.

**Coverage:** That percentage of the plot or lot area covered by the building area.

**Curb Cut:** The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

**Day Care Center:** A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more children. This use shall be a principal use and shall require a conditional use approval and site plan approval by the Planning Board.

**Day Care Home:** A single family home used generally to provide day care services or baby-sitting services for six (6) or fewer children. This shall be considered a home occupation.

**Day Care Home, Class A:** A home used generally to provide day care services or baby-sitting services for more than six (6) but twelve (12) or fewer children. This use shall be an accessory to the residential use but shall require a conditional use approval from the Planning Board.

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**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.

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1Ordinance 02-18, 8/6/02
**Dimensional Requirements:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Direct Watershed of a Great Pond:** That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

**Disability:** Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

**Drive-through Service:** A retail or service activity in which the customer does not leave his/her motor vehicle to complete the transaction, and which complies with the following requirements:

1) A separate, defined stacking lane is provided which will accommodate a minimum of five vehicles.

2) The transaction occurs at a defined service window or terminal.

3) The service window or terminal is located a minimum of sixty (60) feet, with the maximum to be established at Site Plan Review, from the point of egress onto the nearest street right-of-way.

4) The architectural design of the service window or terminal shall be compatible with the principal use.

**Dwelling:** A building designed or used as the living quarters for one or more families. The term shall not be deemed to include a hotel, motel, rooming house, mobile home, or trailer, but shall include a modular housing unit consisting of two or more units of which neither unit is a complete dwelling unit and which is constructed in accordance with the BOCA Building Code.

**Dwelling: Multi-Family:** A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

**Dwelling: Single-Family:** A detached residence for, or occupied by, (1) family only.

**Dwelling: Two Family:** A residence designed for or occupied by two (2) families only, with
separate housekeeping and cooking facilities for each.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Elevated Building:** 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.

**Elevation Certificate:** An official form (FEMA Form 81-31, 03/97, 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.

**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.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Enlargement or Expansion of a Structure:** An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

**Enlargement or Expansion of Use:** Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.
**Essential Services:** Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Exterior Architectural Features:** Elements of a building’s outside appearance including but not limited to, architectural character, general composition and general appearance of exterior siding, exterior trim, change in size of door and window openings, roofs, porches, signs, fire escapes, and accessory buildings and solar facilities.

**Family:** One or more persons occupying a dwelling and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

**Final Plan:** The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Fisheries, Significant Fisheries:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flood or Flooding:**

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:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map:** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.
applicable to the Town of Pittsfield, Maine.

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

**Flood Insurance Study:** See Flood Elevation Study.

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

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodproofing:** 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:** The lines marking the limits of floodways on federal, state, and local floodplain maps.

**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.

**Floor Area Ratio:** A measure of the intensity of the use of a piece of property determined by dividing the sum of the gross floor area of all floors of all principal buildings or structures by the total area of the parcel.

**Footprint:** Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

**Forest Management Activities:** Timber cruising and other forest resources evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland:** A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.
**Foundation:** The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

**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.

**Freshwater Wetland:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

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

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

**Frontage:** The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

**Functionally Dependent Use:** 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.

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock facilities, boat building facilities, marinas, and uses that primarily provide general public access to inland waters.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great Pond Classified GPA:** Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Groundwater:** All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.
**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.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to one eighth of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**Historic or Archaeological Resources:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

**Historic Structure:** 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.

**Home Occupation:** An occupation or profession that is accessory to a residential use and is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit.

**Hotel/Motel:** A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.
**Household Pets:** Those animals normally considered as household companions, and not including horses, cows, sheep, goats, mink, swine, chickens, turkeys or any animals raised for sale or for the sale of their products.

**ImperviousCoverage Ratio:** A measure of the intensity of the use of a piece of property determined by dividing the total area of the site covered by impervious surface including roofs, parking lots, roads, access drives, service areas, paved drainage ways, and similar impervious surfaces by the total area of the parcel.

**Impervious Surface:** The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**Increase in Nonconformity of a Structure:** Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to 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.

**Junk Yard:** A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of second-hand products or materials, for the storage of any three or more automobiles or trucks which cannot pass the state inspection test in their existing condition.

**Kennel:** An establishment in which more than four (4) dogs or four (4) cats more than one year old are housed, bred, boarded, trained or sold.

**Landscaped Buffer Strip:** A landscaped area adjacent to and parallel with the front property line of a lot or parcel. The border strip may be crossed by drives, access roads or pedestrian ways but otherwise shall be maintained in a landscaped state. The border strip shall not be used for parking,
the storage of materials, equipment or wastes or the display of any equipment, materials or products.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board as amended from time to time. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Loading Area:** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**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.

**Lot:** A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

**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.

**Lot Lines:** The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

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

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

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

**Manufactured Housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. For the purposes of this Ordinance the term includes:
Mobile Homes

1. Units constructed after June 15, 1976 and commonly called “newer mobile homes” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet in size(not including any tongue) and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

Modular Homes

2. Units commonly called “modular homes” which the manufacturer certifies are constructed in compliance with Title 10, Ordinance 957, and rules adopted under that Ordinance, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire 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.

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.

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.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

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.

**Mobile Home Park:** A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. Individual home sites may be rented or leased.

**Mobile Vending Unit:** A vehicle, trailer, van, pushcart or portable structure which is temporarily located on private property for the purpose of operating a retail business or service business and removed from the site every day or seasonally, but which does not include such structures temporarily located on any particular private property for such purposes for less than one-half hour. It shall not include such uses as construction offices during the duration of a building project or sales as part of an approved farmers market, fair or similar event.

**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

**Multi-Unit Residential:** A residential structure containing three (3) or more residential dwelling units.

**Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

**Municipality:** The Town of Pittsfield.

**National Geodetic Vertical Datum (NGVD):** 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).”

**Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities:** Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas so identified in the municipality's comprehensive plan.

**Net Acreage:** The net area of any parcel or site generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen percent (15%) of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.

2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Planning Board.
3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.

4. Areas characterized predominately by soils classified by the U.S. Soil Conservation Service as either a) "very poorly drained" or b) "poorly drained" and having a slope of less than three percent (3%).

5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.

6. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.

7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.

8. Areas of un-reclaimed gravel or borrow pits.


10. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Siting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the siting of structures and that proposed subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

**Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

**Net Residential Density:** The net residential acreage of a parcel of land divided by the minimum lot area per dwelling unit.

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

**New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a
new structure.

**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.

**Nursing Home:** Any dwelling in which three (3) or more aged, chronically ill, or incurable persons are housed and furnished with meals, and nursing care for compensation.

**100-Year Flood:** See Base Flood.

**Parking Space:** Parking space shall mean an area of not less than 180 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**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, Wharves, Bridges and Other Structures and Uses:** 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.

**Planned Residential Unit Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation of programmed series of development stages. It may contain more than one principal structure on a lot and may
include a mix of single family detached houses with Town houses and apartment buildings with common recreation areas and off-street parking.

**Planning Board:** The Planning Board of the Town of Pittsfield.

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Prime Agricultural Soils:** Prime agricultural soils are those soils which have the least limitations for growing food and will produce the best yields with the least environmental damage.

**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:** The primary use and chief purpose of a lot or structure.

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**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.

**Public Improvement:** Works of governmental units and public utilities, including but not limited to, lighting, sidewalks, street furniture, overhead utilities, buildings, tree planting programs, street signs, and traffic lights.

**Public Sewer System:** A common sewer controlled by a public, governmental authority.

**Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

**Recent Flood Plain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

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

**Recharge Area:** Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.
**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 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. 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.

**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.

**Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

**Residual Basal Area:** The sum of the basal area of trees remaining on a harvested site.

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**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.

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

**Road:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other material constructed for or created by the repeated passage of motorized vehicles. The term shall also include private, undedicated roads that are described in a recorded document. The term road shall not include those ways that have been discontinued or abandoned. The right-of-way of a road cannot be used to calculate frontage on a lot.

**Roadside Stand:** A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants. In addition, it may involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50% of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a roadside stand.

**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, Lot Line:** The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

**Setback, Normal High Water Line:** 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.

**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

**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, river, or saltwater body; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Sight Distance:  The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.  Used in these regulations as a reference for unobstructed road visibility.

Sign:  Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Sign Area:  The surface area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etcetera, encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building.  For the purposes of calculating the surface area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

Sign, Canopy:  A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Consolidated:  A single, on premise sign that serves two or more businesses or entities, all of which are located at the same lot of record, which sign is on a single device, fixture, placard, or structure.

Sign, Freestanding:  A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

Sign, Externally Illuminated:  A sign that is lit entirely from an external source, such as flood or spot lights, and is so arranged that no direct rays of light are projected from the external source onto adjoining properties or public streets.

Sign, Illuminated:  A sign lit in any manner by an artificial light.

Sign, Internally Illuminated:  A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

Sign, Ladder:  A sign with two or more signs attached to the same support.  The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section.

Sign, Off Premise:  A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

Sign, On Building:  A sign that is attached to the building wall and extends not more than six
inches from the face of such wall.

**Sign, On Premise:** A sign that is located on the same lot of record that the business, facility, or point of interest is located.

**Sign, Projecting:** A sign that is attached to a building wall and extends more than six inches from the face of such wall.

**Sign, Portable:** A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.

**Sign, Temporary:** A sign of temporary nature, erected for a period of less than 90 days within any 12 month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising the sale of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business' premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs.

**Significant River Segments:** See Title 38 MRSA Sec. 437.

**Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

**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, whether or not that alteration affects the external dimensions of the building.

**Stream:** A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point
where the body of water becomes a river or flows to another water body or wetland within the shoreland area. This definition also includes Johnson Brook from the 300 foot contour as depicted on the USGS Map to the Burnham Town Line.

Street: A way established or maintained under public authority, or a fifty (50) foot wide recorded private way approved by the Planning Board, or a way shown on a plan of a subdivision duly approved by the Planning Board. The right-of-way of a street cannot be used to calculate the frontage of a lot.

Street Classification:

**Arterial Street:** A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

- Interstate 95
- Burnham Road
- Canaan Road
- Main Street
- Park Street
- Somerset Avenue

**Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets. The following roadways shall be considered collector streets:

- Grove Street
- Hartland Avenue
- Hunnewell Avenue
- North Main Street
- Phillips Corner Road
- Peltoma Avenue

**Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Local Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Right-of-Way:** A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

**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 permanently located, such as decks, satellite dishes, and permanently affixed gas or liquid storage tanks that are above ground, but not including tents, vehicles, or freestanding above-ground swimming pools.
**Subdivision:** The division of a tract or parcel of land into three (3) or more lots as defined by the Maine Revised Statutes Annotated, Title 30, Sec. 4956, as amended, within any five (5) year period.

**Substantial Construction:** The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.
**Substantial Damage:**  Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 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.

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

**Substantially Commenced; Substantially Completed:**  Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

**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 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA 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 MRSA Chapter 13, sub-chapter 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 cutting of land for approved construction.

**Tract or Parcel of Land:** All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road 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.

**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 of exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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.

**Turning Circle:** A street segment forming a circle at the closed end of a cul-de-sac street, with a curve radius of 100 feet as measured to the outside line of the right-of-way.

**Upland Edge:** The boundary between upland and wetland.

**Usable Open Space:** That portion of the common open space that due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained nor very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

**Use:** The declared or ostensible purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**Utilities:** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telegraph exchanges, commercial microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

**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 ½ feet above ground level.

**Violation:** Means the failure of a structure or development to comply with a community’s floodplain management regulations.

**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: Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The boundary of a wetland is drawn around those areas that meet all three of the following criteria: a prevalence of wetland plants, hydric soils, and evidence of saturation or flooding.

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.

Wildlife Habitat, Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas so identified in the municipality's comprehensive plan.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building or structure between the front line of the building or structure and the front line of the lot and extending the full width of the lot.

Yard Rear: An open unoccupied space on the same lot with the building or structure between the rear line of the building or structure and the rear line of the lot and extending the full width of the lot.

Yard Side: An open unoccupied space on the same lot with the building or structure situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

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).
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CHAPTER 13B. SITE PLAN REVIEW ORDINANCE

SECTION 1. PURPOSE

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of storm water, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

SECTION 2. APPLICABILITY OF SITE PLAN REVIEW

A person who has right, title, or interest in a parcel of land or any person authorized to act on behalf of a person with right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. The construction or replacement of any new building or structure for a nonresidential use, including, but not limited to, accessory buildings, accessory structures, communication towers, and wind energy facilities.

2. The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area.

3. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

4. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.

5. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 9 of this ordinance.

6. The construction of a residential building containing three (3) or more dwelling units.

7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

8. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
9. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

a) The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.

b) The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.

c) Agricultural activities, including agricultural buildings and structures.

d) Timber harvesting and forest management activities.

e) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

f) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

SECTION 3. DEFINITIONS

1 Unless otherwise specified in this Ordinance, the definitions applicable to this ordinance shall be as found in Chapter 13C. Land Use Definitions Ordinance.

SECTION 4. ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers.

2 It shall be the duty of the CEO and Town Council to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/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. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

2 When any violation of any provisions of this code shall be found to exist, the Town Council, after notice from the Code Enforcement Officer, shall assume sole responsibility for resolution the violation. Any resolution will be by the council in the name of the Town. The Council may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of
this Ordinance, the same to be brought in the name of the Town. The Council shall adopt written procedures for its conduct in addressing a violation. This provision shall not prevent any person aggrieved by a violation of this Code from taking appropriate legal action against the violator.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violates any of the provisions of this ordinance, shall be fined in accordance with Title 30-A M.R.S.A. §4452 as may be amended from time to time. Each day such a violation is permitted to exist after notification shall constitute a separate offense. 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.

SECTION 5. INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person, who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

SECTION 6. REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SECTION 7. REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

7.1. Pre-application

Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302 as may be amended from time to time. No decision on the substance of the plan shall be made at the pre-application conference.

7.1.1. Purpose

The purposes of the pre-application conference are to:

a) Allow the Planning Board to understand the nature of the proposed use
and the issues involved in the proposal,

b) Allow the applicant to understand the development review process and required submissions,

c) Identify issues that need to be addressed in future submissions, and

d) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

e) In addition, the Board may schedule a site inspection in accordance with subsection 7.2(5) if deemed necessary and resolve any requests for waivers from the submission requirements.

7.1.2. Information Required

There are no formal submission requirements for a Pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

a) The proposed site, including its location, size, and general characteristics,

b) The nature of the proposed use and potential development,

c) Any issues or questions about existing municipal regulations and their applicability to the project, and

d) Any requests for waivers from the submission requirements.

7.1.3. Waivers

Where the Board makes written findings of fact that there are special circumstances of a particular proposal, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards and criteria of the Site Review Ordinance have been or will be met; the public health, safety, and welfare are protected; and provided the waiver(s) does not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Land Use Ordinances.

7.2. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer.

a) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant. Prior to this meeting the town shall notify by first-class mail all property owners within two hundred fifty (250) feet of the parcel on which the proposed development is located. Written notice of the pending application shall also be submitted to the Public Works Foreman/Superintendent, Town Manager, Fire Chief, Police Chief, Plumbing
b) Within forty (40) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be further considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

c) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (e) below, and place the item on the agenda for substantive review within forty (40) days of this finding. In addition, the Board shall determine whether to hold a public hearing on the site plan review application.

d) If the Board decides to hold a public hearing, it shall hold the hearing within forty (40) days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.

e) The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered for substantive review to the applicant and all persons who received the notice in (a).

f) The Planning Board may hold an on-site inspection of the site to review the existing conditions; field verifies the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (g) may be extended, which extension shall not exceed forty (40) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (e).

g) The Planning Board shall take final action on said application within forty (40) days of placing the item on the agenda for substantive review. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (e), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact.
and decision of the Board. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

7.3. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by the Board and must be filed with the CEO. Any plan not so filed within forty (40) days of the date upon which such plan is approved and signed by the Board shall become null and void. A receipt noting the date and time the plan is filed shall be issued by the CEO to the applicant.

7.4. Fees

7.4.1. Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality and evidence of payment of the fee must be included with the application.

7.4.2. Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality's legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

7.4.3. Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board,
establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

SECTION 8. SUBMISSION REQUIREMENTS

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer (CEO). The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

All applications for site plan review must contain the following information:

a) A fully executed and signed copy of the application for site plan review.

b) Evidence of payment of the application and technical review fees.

c) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

8.1. General Information

a) Record owner's name(s), address(es), and phone number(s) and applicant's name(s), address(es) and phone number(s) if different.

b) The location of all required building setbacks, yards, and buffers.

c) Names and addresses of all property owners within two hundred fifty (250) feet of any and all property boundaries.

d) Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.

e) Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.

f) The tax map and lot number of the parcel or parcels on which the project is located.

g) A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of
the applicant.

h) The name, registration number, and seal of the person who prepared the plan, if applicable.

i) Evidence of the applicant's technical and financial capability to carry out the project as proposed.

j) Show on a site map Prime Farm Lands contained on the application site.

k) An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposal, if approved and built, shall be constructed and operated in accordance with the standards of this proposal as approved and all conditions of approval, if any.

l) Wind Energy Facility additional requirements:

1) Description of the proposed Wind Energy Facility that includes the number, location and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer’s specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

2) Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

3) Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

4) Description of emergency and normal shutdown procedures.

5) Photographs of existing conditions at the site.

6) An application for a Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, or b) prepared in accordance with the manufacturer’s specifications and stamped by a Maine-licensed professional engineer and a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under appendix A and/or B of Chapter 13, Zoning Ordinance and acknowledges the Applicant’s obligation to take remedial action if the Code Enforcement Officer determines those standards are not being met.
7) An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following sight line, photographic and, if applicable, screening information, from any protected location within 1,000 feet of each Wind Turbine. Each Sight Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.

8) Applications for Temporary Metrological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable. A permit for a Temporary MET Tower shall be valid for 2 years and 3 months from the date of issuance. The Code Enforcement Officer may grant three one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers or MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

8.2. Existing Conditions

a) Zoning classification(s), including overlay and/or sub districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub districts or abuts a different district.

b) The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

c) Location and size of any existing sewer and water mains, culverts or drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of sewer and storm water flow.

d) Location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.

e) The location, dimensions and ground floor elevation of all existing buildings on the site.

f) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

g) Location of intersecting roads or driveways within two hundred (200) feet of the site.

h) The location of open drainage courses, wetlands, stonewalls, graveyards, fences,
stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

i) the direction of existing surface water drainage across the site.

j) The location, front view, dimensions, and lighting of existing signs.

k) Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

l) The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

8.3. Proposed Development Activity

a) Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

b) The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.

c) Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.

d) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

e) proposed landscaping and buffering.

f) The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.

g) Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.

h) Location and type of exterior lighting.

i) The location of all utilities, including fire protection systems.

j) A general description of the proposed use or activity.

k) An estimate of the peak hour and daily traffic to be generated by the project.

l) stormwater calculations, erosion and sedimentation control measures, and water
quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

8.4. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Pittsfield Planning Board."

SECTION 9. APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

9.1. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.2. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers as may be amended from time to time, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:
a) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

b) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

9.3. Access into the Site

Vehicular access to and from the development must be safe and convenient.

a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

c) The grade of any proposed drive or street must be not more than +/- 3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed if it is safe and does not promote short-cutting through the site.

f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

g) Access-ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

h) The following criteria must be used to limit the number of driveways serving a proposed project:

1) No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access-ways must not exceed sixty (60) feet.

9.4. Access-way Location and Spacing

Access-ways must meet the following standards:

a) Private entrances/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access-way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

b) Private access-ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

9.5. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

a) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.

b) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

d) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

9.6. Parking Layout and Design

Off-street parking must conform to the following standards:
a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

b) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access-ways not exceeding twenty-four (24) feet in width.

c) Parking stalls and aisle layout must conform to the following standards.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Skew Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90</td>
<td>9'0&quot;</td>
<td></td>
<td>18'0&quot;</td>
<td>24'-0&quot; two way</td>
</tr>
<tr>
<td>60</td>
<td>8'6&quot;</td>
<td>10'6&quot;</td>
<td>18'0&quot;</td>
<td>16'-0&quot; one way only</td>
</tr>
<tr>
<td>45</td>
<td>8'6&quot;</td>
<td>12'9&quot;</td>
<td>17'6&quot;</td>
<td>12'-0&quot; one way only</td>
</tr>
<tr>
<td>30</td>
<td>8'6&quot;</td>
<td>17'0&quot;</td>
<td>17'0&quot;</td>
<td>12'-0&quot; one way only</td>
</tr>
</tbody>
</table>

d) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

e) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

f) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

9.7. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.
9.8. **Stormwater Management**

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

b) Unless the discharge is directly to a major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

c) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

f) The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.

g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

9.9. **Erosion Control**

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity is kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991 as may be
amended from time to time.

9.10. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water and which does not adversely affect adjacent water supplies.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

9.11. Sewage Disposal

The development must be provided with a method of disposing of sewage that is in compliance with the State Plumbing Code.

   a) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

   b) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within one hundred (100) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system will occur if and when the subsurface system needs to be replaced.

   c) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.

   d) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

   e) Industrial or commercial wastewater may be discharged to public sewers
9.12. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

9.13. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.


The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

9.15. Water Quality Protection

All aspects of the project must be designed so that:

a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

c) If the project is located within the watershed of a 'body of water most at
risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

9.16. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground or below ground unless they meet the property line setback and all other requirements of NFPA # 58, the edition currently adopted by the State of Maine. Also, substances must be stored in a manner and location, which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

It shall be the responsibility of the applicant to provide documentation from the appropriate agencies that these requirements are met.

9.17. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

9.18. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

9.19. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

9.20. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.21. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.
9.22 Use of Public Roads

Applications for projects requiring transportation of over sized or over weight loads or large construction equipment or construction in right-of-way of public roads shall, after a decision by the Planning Board, be required to comply with the following:

1. The Applicant shall identify all state and local public roads to be used within the Town of Pittsfield to transport equipment and parts for construction, operation and/or maintenance of the project.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer acceptable to both the Town of Pittsfield and the Applicant and paid for by the Applicant, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again, thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.

4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

SECTION 10. POST APPROVAL ACTIVITIES

10.1. Limitation of Approval

Substantial construction of the improvements covered by any site plan approval must be commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially completed within the time period specified in project approval, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

10.2. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer (CEO) to address field conditions.

10.3. Recording of the Approved Plan

One copy of the approved site plan must be recorded in the Somerset County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the
CEO. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause.

10.4. Improvement Guarantees

10.4.1. Application

a) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.4.2. Below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

b) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the CEO. The CEO shall inspect all improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

c) The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the CEO.

d) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

10.4.2. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be recommended by the Town Manager and approved as to form and enforceability by the Town Council.

a) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

b) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

c) Escrow Account - The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

10.5. Submission of As-Built Plans

Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area or fifty thousand (50,000) square feet of impervious surface, must
provide the CEO with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

**10.6. Minor Changes to Approved Plans**

Minor changes in approved plans necessary to address field conditions may be approved by the CEO provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the CEO.

**10.7. Amendments to Approved Plans**

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

**SECTION 11. APPEAL OF PLANNING BOARD ACTIONS**

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

**SECTION 12. AMENDMENTS TO THE ORDINANCE**

An Amendment of this ordinance may be initiated by the Planning Board provided a majority of the Board has voted to do so; a request of the Town Council to the Planning Board; or, a written petition of a number of voters equal to at least ten per cent (10%) of the number of votes cast in the municipality at the last gubernatorial election.

An amendment of this Ordinance may be adopted by a majority vote of the Council if the proposed amendment is recommended by an affirmative vote of at least four members of the Planning Board; or, at least five affirmative votes of the Council if the proposed amendment is not recommended by at least four members of the Planning Board.

In either case, the Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the governing body. Notice of the hearing shall be given in accordance with the requirements of 30-A M.R.S.A. Section 4452(9) as may be amended from time to time.

No proposed change in this Ordinance which has been unfavorably acted upon by the Council shall be considered on its merits by the Council within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended by the unanimous vote of the Planning Board.

**SECTION 13. SEVERABILITY**

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.
1 Ordinance 04-03, 03/02/04
2 Ordinance 05-05, 03/02/05
3 Ordinance 08-15, 09/02/08
4 Ordinance 16-10, 08/16/16
5 Ordinance 16-10, 08/16/16
CHAPTER 13C. LAND USE DEFINITIONS ORDINANCE

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Definitions apply to all Land Use Ordinances unless otherwise specified.

**Abutting Property:** Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**Accessory Building:** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**Accessory Structure:** A structure that is incidental and subordinate to the principal use or structure. 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.

**Accessory Use:** A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. Such use shall include one accessory apartment that is clearly a subordinate unit related to the main residence. Such unit shall not be counted as a second whole unit for the purposes of zoning, however adequate off street parking shall be required and all requirements of the State of Maine Plumbing Code shall be met.

**Addition:** Any proposed change which increases the size of a building.

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

**Affordable Housing:** Housing units which will meet the sales price and/or rental targets established by the U.S. Department of Housing and Urban Development for housing affordability.

**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.
**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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**Alteration:** A change, addition, or modification, requiring construction, including any change in the location of structural members of buildings such as bearing walls, columns, beams, or girders which would alter or affect any exterior architectural features.

**Antenna:** A system of electrical conductors that emit or receive radio waves, including microwave dishes.

**Applicant:** The person applying for subdivision approval under these regulations.

**Aquaculture:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Area of Special Flood Hazard:** 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 1 of the Flood Plain Management Ordinance.

**Arterial:** A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

**Attic:** The unfinished portion or portions of a building which are located immediately below and wholly or partly within the roof framing.

**Automobile Graveyard:** A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked automobiles.

**Average Daily Traffic (ADT):** The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

**Backlot:** A lot that has no frontage on a road, street or private way. Backlots shall not be permitted in the Town of Pittsfield.

**Banner:** Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

**Basal Area:** The area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.
**Basement:** Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Bed and Breakfast:** A type of lodging based on a permanent single family dwelling unit where the occupant acts as the proprietor offering for payment sleeping rooms on a transient basis to the general public. A transient basis is a maximum stay of 30 days in any consecutive 45-day period. Bed and Breakfasts shall be classified as follows:

- Class 1 Bed and Breakfast—more than five (5) bedrooms for lease,
- Class 2 Bed and Breakfast—more than two (2) bedrooms but less than six (6) for lease.
- Class 3 Bed and Breakfast—less than three (3) bedrooms for lease.

**Billboard:** A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

**Biomedical Waste Processing Facility:** Any building, structure, site or equipment used in an activity or process designed to process, treat and sterilize biomedical waste from medical facilities in preparation for disposal at an approved disposal site. A biomedical waste processing facility shall be considered high tech employer for the purposes of use classification under this ordinance. These facilities shall not allow incineration as a means of treating the medical waste.

**Boardinghouse:** A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation.

**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.

**Buffer Area:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

**Building Height:** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

**Building Width:** The minimum horizontal dimension of the principal part of the building. The width shall not include outside porches not used as normal living space.
**Business and Professional Offices:** Offices for the conduct of business which involve no sales of products available on the premises, except those pertaining to the profession, or storage of materials or equipment which are used off the premises. The following uses are not considered business and professional offices:

1) Distribution facilities  
2) Sales offices involving on-premises display and sales of materials  
3) Offices of building contractors involving the storage of materials or equipment.

**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.

**Capital Improvements Program (CIP):** The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Capital Investment Plan:** The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

**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.

**Change from One Category of Nonresident Use to Another Category of Nonresidential Use:** A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

**Charitable/Benevolent Association:** A non-profit organization that is not organized or operated for the purpose of carrying on a trade or business. No part of its net earnings may benefit any member of the association. The purpose shall be to provide religious, social, physical, recreational and/or benevolent benefits to its members/associates.

**Code Enforcement Officer:** A person appointed by the municipal officers to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

**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.

**Common Open Space:** Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.
Communications Tower: Any free standing, guyed or building mounted structure containing antennas for cellphone, microwave, relay, TV or radio broadcast and commercial two way radio service. Not including personal TV reception, Citizens Band and Short Band radio antennas.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conditional Uses: Are uses of a special nature as to make impractical their predetermination as a principal use in a district.

Corner Lot: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. Such corner lots shall be deemed to have two front yard setbacks.

Coverage: That percentage of the plot or lot area covered by the building area.

Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

Day Care Center: A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more children. This use shall be a principal use and shall require a conditional use approval and site plan approval by the Planning Board.

Day Care Home: A single family home used generally to provide day care services or baby-sitting services for six (6) or fewer children. This shall be considered a home occupation.

Day Care Home, Class A: A home used generally to provide day care services or baby-sitting services for more than six (6) but twelve (12) or fewer children. This use shall be an accessory to the residential use but shall require a conditional use approval from the Planning Board.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

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.
**Dimensional Requirements:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Direct Watershed of a Great Pond:** That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

**Disability:** Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

**Drive-through Service:** A retail or service activity in which the customer does not leave his/her motor vehicle to complete the transaction, and which complies with the following requirements:

1) A separate, defined stacking lane is provided which will accommodate a minimum of five vehicles.

2) The transaction occurs at a defined service window or terminal.

3) The service window or terminal is located a minimum of sixty (60) feet, with the maximum to be established at Site Plan Review, from the point of egress onto the nearest street right-of-way.

4) The architectural design of the service window or terminal shall be compatible with the principal use.

**Dwelling:** A building designed or used as the living quarters for one or more families. The term shall not be deemed to include a hotel, motel, rooming house, mobile home, or trailer, but shall include a modular housing unit consisting of two or more units of which neither unit is a complete dwelling unit.
**Dwelling: Multi-Family:** A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

**Dwelling: Single-Family:** A detached residence for, or occupied by, (1) family only.

**Dwelling: Two Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Elevated Building:** 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.

**Elevation Certificate:** An official form (FEMA Form 81-31, 03/97, 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.

**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.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Enlargement or Expansion of a Structure:** An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.
**Enlargement or Expansion of Use:** Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

**Essential Services:** Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Exterior Architectural Features:** Elements of a building’s outside appearance including but not limited to, architectural character, general composition and general appearance of exterior siding, exterior trim, change in size of door and window openings, roofs, porches, signs, fire escapes, and accessory buildings and solar facilities.

**Family:** One or more persons occupying a dwelling and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

**Final Plan:** The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Fisheries, Significant Fisheries:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flood or Flooding:**

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:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map:** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Pittsfield, Maine.

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

**Flood Insurance Study:** See Flood Elevation Study.

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

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodproofing:** 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:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

**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.
Floor Area Ratio: A measure of the intensity of the use of a piece of property determined by dividing the sum of the gross floor area of all floors of all principal buildings or structures by the total area of the parcel.

Footprint: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

Forest Management Activities: Timber cruising and other forest resources evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

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.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1) Often 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 a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Frontage: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Functionally Dependent Use: 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.
**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock facilities, boat building facilities, marinas, and uses that primarily provide general public access to inland waters.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great Pond Classified GPA:** Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Grounds:** (for the purpose of grounds maintenance) The area normally maintained as lawn or as a landscaped area between a building and any abutting streets. This shall also include the area to each side of a building and to the rear of a building for a distance of 25 feet or the lot property line whichever is less.

**Groundwater:** All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

**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.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to one eighth of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**Historic or Archaeological Resources:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

**Historic Structure:** 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.

**Home Occupation:** An occupation or profession that is accessory to a residential use and is
customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling
unit.

**Hotel/Motel:** A building or group of buildings containing six or more guest rooms and offering
lodging accommodations (which may include such accessory services as food and beverages,
meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide
kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under
this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient
guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

**Household Pets:** Those animals normally considered as household companions, and not including
horses, cows, sheep, goats, mink, swine, chickens, turkeys or any animals raised for sale or for the
sale of their products.

**Impervious Coverage Ratio:** A measure of the intensity of the use of a piece of property
determined by dividing the total area of the site covered by impervious surface including roofs,
parking lots, roads, access drives, service areas, paved drainage ways, and similar impervious
surfaces by the total area of the parcel.

**Impervious Surface:** The area covered by buildings and associated constructed facilities, areas
which have been or will be covered by a low-permeability material, such as asphalt or concrete, and
areas such as gravel roads and unpaved parking areas, which have been or will be compacted
through design or use to reduce their permeability.

Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways,
parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and
oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**Increase in Nonconformity of a Structure:** Any change in a structure or property which causes
further deviation from the dimensional standard(s) creating the nonconformity such as, but not
limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot
coverage, or increase in height of a structure. Property changes or structure expansions which either
meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to 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.

**Infestation:** To be overrun with insects, rats, mice, vermin or other pests contiguous to a structure or premises in numbers or quantities large enough to be harmful, threatening or obnoxious.

**Junk:** For purpose of this Ordinance, “junk” shall include all materials set forth in 30-A M.R.S.A. § 3752(4) and the following: any accumulation of refuse, household trash, used automobile and equipment parts, debris, building materials, inoperable machinery, glass, used furniture, used doors or windows, used household items and unused and inoperable appliances.

**Junkyard:** The definition of “junkyard” shall be the same as set forth in 30-A M.R.S.A. §3752(4).

**Kennel:** An establishment in which more than four (4) dogs or four (4) cats more than one year old are housed, bred, boarded, trained or sold.

**Landscaped Buffer Strip:** A landscaped area adjacent to and parallel with the front property line of a lot or parcel. The border strip may be crossed by drives, access roads or pedestrian ways but otherwise shall be maintained in a landscaped state. The border strip shall not be used for parking, the storage of materials, equipment or wastes or the display of any equipment, materials or products.

**Large Scale Commercial Development:** A commercial use that (1) utilizes more then two (2) acres for building, parking, storage, display or any other related use or operation; (2) has more than five (5) employees on site; and (3) generates more than twenty-five (25) truck or car trips per day. This definition shall not include Timber Harvesting or Agriculture use.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board as amended from time to time. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.
**Loading Area:** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**Locally-Designated Passive Recreation Area:** Any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

**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.

**Lot:** A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

**Lot Area:** A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

**Lot Lines:** The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

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

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

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
**Manufactured Housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. For the purposes of this Ordinance the term includes:

Mobile Homes

1. Units constructed after June 15, 1976 and commonly called “newer mobile homes” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet in size (not including any tongue) and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

Modular Homes

1. Units commonly called “modular homes” which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that Ordinance, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

**Marina:** A business establishment having frontage on navigable water and, as its principal use, providing for hire 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.

**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.

**Medical Marijuana Dispensary:** A “registered dispensary” as that term is defined by 22 M.R.S.A. Section 2422(6), as may be amended from time to time, including any location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. Section 2428, as may be amended.

**Meteorological Tower (MET Tower):** A Tower used for the measurement and collection of weather data that supports various types of equipment, including but not limited to anemometers,
data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

8**Methadone Clinic:** A clinic or similar facility that provides for the operation of substance abuse treatment programs to provide treatment for persons with heroin or other opiate addictions where the treatment provided includes administration or prescription of methadone or other opioid replacements (e.g., methadone, methadone hydrochloride or LAAM (levo-alpha-acetyl-methadol)) for either detoxification or maintenance purposes, which treatment programs are typically licensed by the State of Maine Department of Health and Human Services Division of Licensing and Regulatory Services under 14-118 Code of Maine Regulations (Chapter 5), as may be amended from time to time.

**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.

**Minimum Lot Width:** The closest distance between the side lot lines of a lot.

**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.

8**Mixed Use Complex:** A building designed for the operation of both business and commercial use operations. The building shall be considered a single principal use without regard for the number of business or commercial use entities that it contains.

**Mobile Home Park:** A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. Individual home sites may be rented or leased.

**Mobile Vending Unit:** A vehicle, trailer, van, pushcart or portable structure which is temporarily located on private property for the purpose of operating a retail business or service business and removed from the site every day or seasonally, but which does not include such structures temporarily located on any particular private property for such purposes for less than one-half hour. It shall not include such uses as construction offices during the duration of a building project or sales as part of an approved farmers market, fair or similar event.
**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

**Multi-Unit Residential:** A residential structure containing three (3) or more residential dwelling units.

**Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

**Municipality:** The Town of Pittsfield.

*Nacelle:* The frame and housing at the top of the Tower that encloses the gearbox and generator.

**National Geodetic Vertical Datum (NGVD):** 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).”

**Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities:** Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas so identified in the municipality's comprehensive plan.

**Net Acreage:** The net area of any parcel or site generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen percent (15%) of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.

2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Planning Board.

3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.

4. Areas characterized predominately by soils classified by the U.S. Soil Conservation Service as either a) “very poorly drained” or b) “poorly drained” and having a slope of less than three percent (3%).

5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.
6. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.

7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.

8. Areas of un-reclaimed gravel or borrow pits.


10. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Siting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the siting of structures and that proposed subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

**Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

**Net Residential Density:** The net residential acreage of a parcel of land divided by the minimum lot area per dwelling unit.

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

**New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

**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.

**Nursing Home:** Any dwelling in which three (3) or more aged, chronically ill, or incurable persons are housed and furnished with meals, and nursing care for compensation.

**100-Year Flood:** The highest level of flood that, on the average, has a one percent (1%) chance of occurring in any given year.

**Occupied Building:** A residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

**Parking Space:** Parking space shall mean an area of not less than 180 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**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, Wharves, Bridges and Other Structures and Uses 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.

**Planned:** A Project, for which all applicable building and land use permits have been approved, provided that the time for beginning construction under such permits has not expired.

**Planned Residential Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation of programmed series of
development stages. It may contain more than one principal structure on a lot and may include a mix of single-family and two-family detached houses with Town houses and apartment buildings with common recreation areas and off-street parking. Lots within a planned development may be sold individually, provided that the owners of all lots are required by deed covenant and plan approval to be members of a homeowners association that owns and maintains any common facilities within the development, including but not limited to private streets, drainage facilities and private open space that is part of the development. In zoning district C-4 only single-family and two-family detached houses shall be allowed.

**Planning Board:** The Planning Board of the Town of Pittsfield.

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Prime Agricultural Soils:** Prime agricultural soils are those soils which have the least limitations for growing food and will produce the best yields with the least environmental damage.

**Prime Farm Land:** Those areas shown on the Town of Pittsfield Zoning Map (Revised February 11, 2011)

**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:** The primary use and chief purpose of a lot or structure.

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**Project:** A planned piece of work that has a specific purpose such as but not limited to constructing something new, adding or modifying something existing or excavating into the ground for the constructing of any of the preceding including land filling.

**Protected Location:** Any location that is:

1) accessible by foot, on any parcel of land not owned or leased by the applicant containing an occupied building or planned occupied building, or a planned residential subdivision, duly licensed hospital or nursing home near the development site at the time an application is submitted;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;
3) a hotel, motel, campsite or duly licensed campground that the Planning Board has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted.

**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.

**Public Improvement:** Works of governmental units and public utilities, including but not limited to, lighting, sidewalks, street furniture, overhead utilities, buildings, tree planting programs, street signs, and traffic lights.

**Public Sewer System:** A common sewer controlled by a public, governmental authority.

**Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

**Recent Flood Plain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

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

**Recharge Area:** Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

**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 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. 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.

**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.

**Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

**Residual Basal Area:** The sum of the basal area of trees remaining on a harvested site.

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**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.

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

**Road:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other material constructed for or created by the repeated passage of motorized vehicles. The term shall
also include private, undedicated roads that are described in a recorded document. The term road shall not include those ways that have been discontinued or abandoned. The right-of-way of a road cannot be used to calculate frontage on a lot.

**Roadside Stand:** A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants. In addition, it may involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50% of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a roadside stand.

**Scenic Resource:** Either a Scenic Resource of State or National significance, as defined in 35-A M.R.S § 3451 (9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

**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, Lot Line:** The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

**Setback, Normal High Water Line:** 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.

**Shadow Flicker:** Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.
**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

**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, river, or saltwater body; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

**Short Duration Repetitive Sounds:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

**Sight Line Representation:** A profile drawing showing prominent features, including but not limited to topography, buildings and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Sign:** Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

**Sign Area:** The surface area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purposes of calculating the surface area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

**Sign, Canopy:** A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Sign, Consolidated:** A single, on-premise sign that serves two or more businesses or entities, all of which are located at the same lot of record, which sign is on a single device, fixture, placard, or structure.

**Sign, Freestanding:** A sign supported by one or more upright poles, columns, braces or
structure anchored in the ground and not attached to any building or other structure.

**Sign, Externally Illuminated:** A sign that is lit entirely from an external source, such as flood or spot lights, and is so arranged that no direct rays of light are projected from the external source onto adjoining properties or public streets.

**Sign, Illuminated:** A sign lit in any manner by an artificial light.

**Sign, Internally Illuminated:** A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

**Sign, Ladder:** A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section.

**Sign, Off Premise:** A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

**Sign, On Building:** A sign that is attached to the building wall and extends not more than six inches from the face of such wall.

**Sign, On Premise:** A sign that is located on the same lot of record that the business, facility, or point of interest is located.

**Sign, Projecting:** A sign that is attached to a building wall and extends more than six inches from the face of such wall.

**Sign, Portable:** A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.

**Sign, Temporary:** A sign of temporary nature, erected for a period of less than 90 days within any 12 month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising the sale of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business’ premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs.

**Significant River Segments:** See Title 38 MRSA §437.

**Significant Wildlife Habitat:** A Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B(10).

**Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.
**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 a 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, whether or not that alteration affects the external dimensions of the building.

**Stream:** A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. This definition also includes Johnson Brook from the 300 foot contour as depicted on the USGS Map to the Burnham Town Line.

**Street:** A way established or maintained under public authority, or a fifty (50) foot wide recorded private way approved by the Planning Board, or a way shown on a plan of a subdivision duly approved by the Planning Board. The right-of-way of a street cannot be used to calculate the frontage of a lot.

**Street Classification:**

**Arterial Street:** A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

- Interstate 95
- Canaan Road
- Park Street
- Burnham Road
- Main Street
- Somerset Avenue

**Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets. The following roadways shall be considered collector streets:

- Grove Street
- Hunnewell Avenue
- Phillips Corner Road
- Hartland Avenue
- North Main Street
- Peltoma Avenue

**Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.
**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Local Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Right-of-Way:** A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

**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 permanently located, such as decks, satellite dishes, and permanently affixed gas or liquid storage tanks that are above ground, but not including tents, vehicles, or freestanding above-ground swimming pools.

**Subdivision:** Shall be defined as provided by State Law, Title 30A, Section 4401.

**Substantial Construction:** The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 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:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

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

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

**Substantially Commenced; Substantially Completed:** Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be
considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

**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 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA 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 MRSA Chapter 13, sub-chapter 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 cutting of land for approved construction.

**Tower:** The free-standing or guyed structure on which a signal transmission system, weather measuring, observation platform or energy conversion system is mounted.

**Tract or Parcel of Land:** All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road 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.

**Transmission Line:** Electric power transmission line of 115 kV through 345 kV, including the associated transmission poles or towers.

**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 of exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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.

**Turbine Height:** The distance measured from the surface of the Ground or Tower foundation, which ever is lower, to the highest point of any turbine rotor blade measured at the highest arc of the blade.

**Turning Circle:** A street segment forming a circle at the closed end of a cul-de-sac street, with a curve radius of 100 feet as measured to the outside line of the right-of-way.

**Upland Edge:** The boundary between upland and wetland.
**Usable Open Space:** That portion of the common open space that due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained nor very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

**Use:** The declared or ostensible purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**Utilities:** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telegraph exchanges, commercial microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**Variance:** A relaxation of the terms of this Ordinance where such variances shall not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A variance is authorized only for lot area, lot coverage by structure, frontage, lot width, and setbacks. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level.

**Violation:** Means the failure of a structure or development to comply with a community's Ordinances.

**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:** Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The boundary of a wetland is drawn around those areas that meet all three of the following criteria: a prevalence of wetland plants, hydric soils, and evidence of saturation or flooding.

**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.

**Wildlife Habitat, Significant Wildlife Habitat:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas so identified in the municipality's comprehensive plan.

**Wind Energy Facility:** A public or private facility that uses one or more Wind Turbines to convert wind energy to electrical or mechanical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

**Wind Energy Facility, Type 1A:** A Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B:** A Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind Energy Facility, Type 2:** A Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

**Wind Energy Facility, Type 3:** A Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

**Wind Turbine:** A system for the conversion of wind energy into electrical or mechanical energy which is comprised of a Tower, Generator, Nacelle, Rotor, Gearbox and/or Transformer.

**Yard:** An unoccupied space, open to the sky, on the same lot with a building or structure.

**Yard Front:** An open unoccupied space on the same lot with the building or structure between the front line of the building or structure and the front line of the lot and extending the full width of the lot.

**Yard Rear:** An open unoccupied space on the same lot with the building or structure between the rear line of the building or structure and the rear line of the lot and extending the full width of the lot.

**Yard Side:** An open unoccupied space on the same lot with the building or structure situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

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2 Ordinance 04-08, 05/20/04
3 Ordinance 02-18, 09/06/02
4 Ordinance 06-08, 02/21/06
5 Ordinance 06-34, 06/20/06
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The Town of Pittsfield, Maine, acting by and through its municipal officers, hereby ordains the following cable television ordinance:

Effective date of this ordinance shall be immediately upon enactment. (Chapter 30-A, §3008, MRSA) Date of Council action: 11/15/94.

ARTICLE 1. PURPOSE

The Town of Pittsfield finds that development of one or more Cable Television Systems has the potential of providing great benefit to the people of Pittsfield. The Town further finds that public convenience, safety, and general welfare can best be served by establishing regulatory powers over any Cable Television System operating in the Town, which powers shall be vested in the Town Council or such persons as the Town Council shall designate.

It is the intent of this Ordinance and subsequent amendments to assure that any Cable Television System developed hereunder is responsive to the needs and interests of the Town and Subscribers. The purposes of this Ordinance include:

To make available Cable Television System services for the maximum number of Town residents at reasonable rates.

To promote the development of Cable Television System(s) capable of accommodating both the present and the reasonably foreseeable Subscriber needs.

To promote the development of Cable Television System(s) responsive to the needs and interests of the Subscribers.

ARTICLE 2. DEFINITIONS

For the purposes of this Ordinance, the following words shall have the meanings specified:

Access Channel: A channel dedicated for public, educational, and governmental use (PEG access).

Basic Service Rates and Charges: Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

Basic Service Tier: That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational, and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.
**Cable Operator:** Any cable television system operating within the Town of Pittsfield, Maine.

**Cable Television System:** shall be defined as in the Federal Cable Act (Cable Communications Policy Act of 1984, and the Cable Television Consumer Protection and Competition Act of 1992, and amendments), with related Rules and Regulations.

**Franchise:** Shall have the meanings set forth in the Federal Cable Act and related Rules and Regulations.

**Franchising Authority:** The Town Council of the Town of Pittsfield, acting pursuant to its authority under federal, state, and local laws and regulations to authorize and oversee the provision of cable television service in Pittsfield.

**Franchise Fee:** A payment, by the Cable Operator, to the Franchising Authority of a fee not to exceed five percent (5%) of gross revenues, for the right to do business in, and to use the facilities of, the Town of Pittsfield.

**State Cable Act:** 30 MRSA, Sections 3008, 3010, related provisions, and successor provisions.

**Subscriber:** Any person, company, corporation, association, or municipality receiving Cable Television System service in the Town of Pittsfield.

**Town:** The Town of Pittsfield, its municipal officers, agents, and employees. “Town” shall also mean the area within the territorial limits of the Town of Pittsfield.

**ARTICLE 3. GENERAL REQUIREMENTS**

**Section 301. FCC Regulations**

Any Cable Television System must be constructed and operated in accordance with Federal Communications Commission (FCC) regulations.

**Section 302. Abandonment**

No Cable Operator may abandon service or a portion of that service without six (6) months prior written notice to the Town and without written consent of the municipal officers. Any Cable Operator which violates this paragraph commits a civil violation for which a fine of $50 a day for each day that the violation continues may be adjudged. (30-A MRSA, §3008)

**ARTICLE 4. FRANCHISE REQUIRED**

No person, firm, or corporation shall install, maintain, or operate within the Town any equipment or facilities for the operation of a Cable Television System unless a Franchise authorizing such a Cable Television System has first been obtained from the Town pursuant to the provisions of this Ordinance and unless that Franchise is in full force and effect.

**Section 401. Award of Initial Franchise**
Section 401.1. Authority. The municipal officers of the Town may award one or more non-exclusive Franchises on such terms, conditions, and fees as they deem in the best interest of the Town and its residents for the operation of Cable Television Systems within the Town.

Section 401.2. Duration of Franchise. Period of initial franchise shall not exceed fifteen (15) years.

Section 401.3. Application. Any person seeking an initial Franchise shall file an application with the Town Clerk. The Application and all related documents will be considered public records and will be open to inspection by the public during regular business hours. The application shall be on a form acceptable to the Town, shall specify the area to be served, a line extension policy, a provision for renewal, and procedures for the investigation and resolution of complaints by the Cable Operator.

Section 401.4. Application Fee. An initial, non-refundable application fee of $2,500 shall be charged to the Cable Operator, which will defray the costs of public notice, advertising, and other expenses incurred by the Town in acting upon the application.

Section 401.5. Franchise Fee. The Cable Operator shall pay to the Town a yearly franchise fee equal to three percent (3%) of gross revenues for the year.

Section 401.6. Local Needs or Interests. Before awarding a Franchise, a public hearing shall be held, at least seven (7) days after the application has been submitted, to determine any special needs or interests of the potential Subscribers, in accordance with 30-A MRSA, §3008(4)(A) and successor provisions or amendments.

Section 401.7. Revocation. The Town Council, as the Franchising Authority, may revoke, terminate, or otherwise limit a Franchise in accordance with the terms of that Franchise. Absent such provisions in a Franchise, the Franchising Authority may revoke such a Franchise for good and sufficient cause, after due notice to the Cable Operator and a public hearing thereon.

Section 402. Renewal of Franchise

Section 402.1. Authorization. The Town Council may renew an existing Franchise on such terms, conditions and fees as they deem in the best interest of the Town. The maximum period of any renewal, including all renewal periods provided in that Franchise, shall not exceed ten (10) years. No exclusive Franchise shall be awarded under any circumstances.

Section 402.2. Request for Renewal and Renewal Application. Either the Town Council or the Cable Operator may request a formal renewal process. Unless this process is initiated by either party within a six-month period beginning three years prior...
to the expiration of the existing Franchise Agreement, an informal Request for Renewal will be permitted. The informal process will consist of submission of a proposal by the Cable Operator for consideration by the Town in sufficient time before the end of the original Franchise Agreement to allow for due consideration by the Town and the holding of a public hearing to allow Subscriber input.

**Section 402.3. Other Regulations.** All regulations pertaining to the initial application Section 1, 3-7, above will also apply to renewal applications.

**Section 403. Access Channel**

A public, educational, and governmental access (“PEG Access”) channel shall be provided by the Cable Operator upon request of the Town. Such request shall be dependent upon demonstration of a significant demand for PEG access services.

**Section 404. Rate Regulation**

**Section 404.1. Authority.** To the extent that federal or state law now or in the future permits the Town to regulate Cable Television System rates, the Town shall have the authority to exercise such rate regulation.

**Section 404.2. Regulations Adopted.** The Town hereby adopts and incorporates by reference the rate regulation provisions of the Federal Cable Act and the Federal Cable Regulations, as either may subsequently be amended.

**Section 404.3. Public Comment.** In connection with rate regulation, the Town shall permit a reasonable opportunity for public comment prior to any rate determination by the Town Council.

**Section 405. Consumer Protection**

**Section 405.1. Regulations Adopted.** In accordance with the Federal Cable Act and the Federal Cable Regulations (including 47 CFR, Part 76, Subpart H), the Town hereby adopts and incorporates by reference the customer service regulations issued by the Federal Communications Commission (including 47 CFR, Section 76.309) as the minimum customer service standards for any Cable Operator. Nothing herein shall preclude or prohibit the enforcement of additional customer service and/or consumer protection provisions in any Franchise, regulation, ordinance, statute, or other law.

**Section 405.2. Resolution.** Complaints regarding customer service and/or consumer protection requirements of state or federal law or regulations, this Ordinance, or the applicable Franchise Agreement shall be resolved in the following manner:

(a) Complaints. Complaints, disputes and disagreements which are not resolved by the Cable Company to the subscribers’ satisfaction may be filed with the Town Manager, provided such filing complies with the following time limits: (i) within thirty (30) days after final action by the Cable Operator on the complaint, dispute, or disagreement, or (ii)
within thirty (30) days after notice of the complaint, dispute or disagreement has been
given to the Cable Company and the Cable Operator has not resolved such complaint,
dispute or disagreement.

(b) **Investigation and report.** Within fourteen (14) days after receiving notice of such
complaint, dispute, or disagreement, the Town Manager shall have an investigation made.
After completion of the investigation, the Town Manager shall issue a report, either
dismissing the complaint or directing the Cable Operator to take appropriate action to
remedy the complaint, dispute, or disagreement, and shall forward a copy of such report
to each party. The report of the Town Manager shall be final unless either party appeals
from it within fourteen (14) days.

(c) **Appeal to Town Council.** If either party is aggrieved by the decision of the Town
Manager, he or she may appeal to the Town Council. The Town Council will hold a
hearing on the appeal from the decision of the Town Manager within fourteen (14) days
after receiving the appeal and its decision will be rendered within fourteen (14) days after
the hearing.

(d) **Notice of hearing.** The Town Council shall provide reasonable advance notice of the
time and place of the hearing.

(e) **Findings.** If the Town Council finds that the Cable Operator has violated the State
customer service requirements of 30-A MRSA §3010 and if the Cable Operator refuses to
resolve the complaint, the Town Council may, by adopting resolution, refer the matter to
Maine Attorney General’s Office for action under the State’s Unfair Trades Practices Act.

Section 406. Annual Reports

**Section 406.1. Gross Revenues.** The Cable Operator shall annually file with the Town
information on gross revenues sufficient to verify calculation of the franchise fee required
under this ordinance.

**Section 406.2. Customer Complaints.** The Cable Operator shall annually file with the
Town a report of the nature and frequency of customer complaints.

**Section 406.3. Performance Review.** The Cable Operator shall, during the first year of
operation and every year thereafter, provide to the Town all necessary documents,
records, and information in order that the Town may determine overall compliance with
the Franchise Agreement and this Cable TV Ordinance.

**Section 406.4. Information on Request.** The Cable Operator shall also provide the
Town such other information and documents as the Town shall request from time to time.
The form and content of the information shall be as specified by the Town.

ARTICLE 5. COMPLIANCE WITH LAWS AND REGULATIONS
Section 501. Compliance

The Cable Operator shall construct and operate its Cable Television System in accordance with all applicable local, state, and federal laws, statutes, regulations, rules, codes, ordinances, by-laws, and orders existing at the time the Franchise Agreement is signed, and as enacted, promulgated, or amended during the term of the Franchise Agreement or any renewal of the Franchise Agreement.

Section 502. Investigation and Enforcement

Section 502.1. Investigating Authority. Upon complaint, the Town Manager as the investigating authority may investigate possible violations by the Cable Operator of federal, state, or local law, regulations, or ordinances, or applicable Franchise Agreement.

Section 502.2. Enforcement Proceeding. After investigation, the Town Council shall hold public hearings and receive evidence to determine whether the Cable Operator has committed any violation of federal, state, or local law, regulations, or ordinances, or applicable Franchise Agreement.

Section 502.3. Fines. Upon a finding by the Town Council that, by a preponderance of the evidence, the Cable Operator has violated any federal, state, or local laws, regulations, or ordinances, and/or the applicable Franchise Agreement, the Town may, without prejudice to any right it may have to revoke the applicable Franchise Agreement, impose fines upon the Cable Operator of up to $1,000 per violation; provided, however, that customer service complaints shall be administered as provided in Section 405. of this Ordinance and abandonment of service violations shall be enforced as provided in Section 302. of this Ordinance. If the violation is a continuing condition, each day that the violation continues shall constitute a separate violation.

ARTICLE 6. LIABILITY/INDEMNIFICATION/INSURANCE

Section 601. Liability and Indemnification

By acceptance of any Franchise, the Cable Operator agrees that it shall defend, indemnify, and save the Town and its agents, officers, and employees harmless from any and all claims, actions, causes of action, judgments, liabilities, losses, damages and expenses (the last including but not limited to payments made under any workers’ compensation law, attorneys’ fees, witnesses’ fees and costs) arising out of or related to the construction, maintenance, and/or operation of the Cable Television System.

Section 602. Insurance

The Cable Operator shall at all times carry or hold appropriate property damage, public liability, and personal injury insurance, the amounts and conditions of which shall be specified in the Franchise Agreement. At the time of the execution of the Franchise Agreement, the Cable Operator shall present certificates of insurance to the Town Clerk evidencing such policies.
Notice shall be provided to the Town, at least 30 days prior to cancellation, nonrenewal, or material modification of such policies, evidenced by return receipt of U.S. Certified Mail. Replacement certificates of insurance shall be delivered to the Town Clerk prior to the effective date of cancellation, renewal, termination, or material modification of any such insurance policy, or at least on a yearly basis. The Cable Operator shall maintain said insurance policies in force throughout the duration of the Franchise Agreement and any renewal(s) thereof.

**ARTICLE 7. SEVERABILITY**

If any part of this Ordinance is held unconstitutional or otherwise invalid, such portion is hereby repealed and the balance of the ordinance shall remain in full effect.
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CHAPTER 15. SUBDIVISION ORDINANCE

ARTICLE 1 - PURPOSE

The purpose of these regulations is:

1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.2 To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., §4404;

1.3 To assure that new development in the Town of Pittsfield meets the goals and conforms to the policies of the Pittsfield Comprehensive Plan;

1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Pittsfield;

1.5 To protect the environment and conserve the natural and cultural resources identified in the Pittsfield Comprehensive Plan as important to the community;

1.6 To assure that an appropriate level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

1.8 To promote the development of an economically sound and stable community.

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority

A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.

B. These standards shall be known and may be cited as “Subdivision Regulations of the Town of Pittsfield, Maine.”

1C. The effective date of this Ordinance shall be thirty (30) days after its date of adoption by the Town Council on October 21, 2003.

2.2 Administration

A. The Planning Board of the Town of Pittsfield, hereinafter called the Board, shall administer these regulations.
B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Pittsfield.

2.3 Amendments

A. These regulations may be amended by the Legislative Body of the Town of Pittsfield.

B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE 3 - DEFINITIONS

2 Unless otherwise specified in this Ordinance, the definitions applicable to this ordinance shall be as found in Chapter 13C. Land Use Definitions Ordinance.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board’s agenda at least twenty-one days in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting but who are not on the Board’s agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board’s written agenda.

ARTICLE 5 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

5.1 Purpose

The purpose of the preapplication meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board’s comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Procedure

A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

B. Following the applicant’s presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. The date of the on-site inspection is selected.
5.3 Submission

The Preapplication Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor’s map(s) on which the land is located. The Sketch Plan shall be accompanied by:

A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.

B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 Contour Interval and On-Site Inspection

Within thirty days of the Preapplication meeting, the Board may hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The applicant shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested

The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

5.6 Establishment of File

Following the Preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the Preapplication meeting and application shall be maintained in the file.

ARTICLE 6 - MINOR SUBDIVISION

6.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A., §4404 as amended from time to time, or the standards from Article 11 of these regulations, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.
6.2 Procedure

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a final plan at least twenty-one days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal office or delivered by hand to the municipal office. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee of $25 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $50 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application, if necessary. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional $25 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $25 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board’s receipt of the plan until the next meeting which the applicant attends.

D. At or subsequent to the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.

2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.

3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine
whether to hold a public hearing on the final plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and abutters.

H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A M.R.S.A., §4404 as amended from time to time and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

6.3 Submissions

The final plan application shall consist of the following items:

A. Application Form and required fees.

B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.

2. Locations and names of existing and proposed streets within one mile of the subdivision.

3. Boundaries and designations of zoning districts within one mile of the subdivision.

4. An outline of the proposed subdivision and any remaining portion of the owner’s property if the final plan submitted covers only a portion of the owner’s entire contiguous holding.

5. Prime Farm Lands contained on the application site.

C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and four copies of one or more maps or drawings drawn to a scale of
not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

D. Application Requirements

The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 as amended from time to time are met.

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the assessor's map and lot numbers.

2. Verification of right, title, or interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners and angle points of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

6. An indication of the type of sewage disposal to be used in the subdivision.

   (a) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer department, stating that the department has the capacity to collect and treat the waste water, shall be provided.

   (b) When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision.

(a) When water is to be supplied by public water supply, a written statement from the Pittsfield Water Department shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the department approves the plans for extensions where necessary. Where the department’s supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the department approving the design of the extension shall be submitted.

(b) When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. The date the plan was prepared, north point, and graphic map scale.

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.

10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.

14. The zoning district in which the proposed subdivision is located and location of any zoning boundaries affecting the subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, stormwater management facilities and drainage ways on or adjacent to the property to be subdivided.

16. The location, names, and present right of way widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be
readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted on a 3 ½ inch computer disc in a format compatible with the assessor’s records.

17. The location of any open space to be preserved and a description of proposed improvements and their management.

18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

19. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality’s Flood Insurance Rate Map, shall be delineated on the plan.

20. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and;

   a) Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled “Hydrogeologic Data for Significant Sand and Gravel Aquifers,” by the Maine Geological Survey, 1985 as amended from time to time; or

   b) The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or proposed use of shared or common subsurface waste water disposal systems.

The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.

21. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition as amended from time to time, published by the Institute of
Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

22. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

23. A storm water management plan, prepared by a registered professional engineer in accordance with the manual Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995) as amended from time to time. The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

24. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 as amended from time to time. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

26. If the proposed subdivision is in the direct watershed of a great pond, a phosphorus control plan.

    (a) For subdivisions which qualify for the simplified review procedure as described in Section 11.17.A.2, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.

    (b) For subdivisions that do not qualify for the simplified review procedure as described in Section 11.17.A.2, the following shall be submitted.

2. A long-term maintenance plan for all phosphorus control measures.

3. The contour lines shown on the plan shall be at an interval of no less than five feet.

4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

27. The location and method of disposal for land clearing and construction debris.

**ARTICLE 7 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

7.1 Procedure

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least twenty-one days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by an application fee of $25 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $50 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional $25 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $25 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting that the applicant attends.

D. At or subsequent to the meeting at which an application for preliminary plan subdivision is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.

2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.

3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the preliminary plan application.

G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.

H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be
submitted for approval by the Board upon fulfillment of the requirements of these
regulations and the conditions of preliminary approval, if any. Prior to the approval of the
final plan, the Board may require that additional information be submitted and changes in the
plan be made as a result of further study of the proposed subdivision or as a result of new
information received.

7.2 Submissions

The preliminary plan application shall consist of the following items.

A. Application Form with required fees.

B. Location Map. The location map shall be drawn at a size adequate to show the relationship
of the proposed subdivision to the adjacent properties, and to allow the Board to locate the
subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.

2. Locations and names of existing and proposed streets within one mile of the proposed
subdivision.

3. Boundaries and designations of zoning districts within one mile of the proposed
subdivision.

4. An outline of the proposed subdivision and any remaining portion of the owner’s
property if the preliminary plan submitted covers only a portion of the owner’s entire
contiguous holding.

5. Prime Farm Lands contained on the application site.

C. Preliminary Plan. The preliminary plan shall be submitted in ten copies of one or more maps
or drawings which may be printed or reproduced on paper, with all dimensions shown in feet
or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one
hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may
be drawn at a scale of not more than two hundred feet to the inch provided all necessary
detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 ½ by 11
inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board
member no less than seven days prior to the meeting.

D. Application Requirements. The application for preliminary plan approval shall include the
following information. The Board may require additional information to be submitted,
where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A.,
§4404 as amended from time to time are met.

1. Proposed name of the subdivision and the name of the municipality in which it is located,
   plus the Assessor's Map and Lot numbers.
2. Verification of right, titles or interest in the property.

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners and angle points of the parcel shall be located on the ground and marked by monuments.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

6. An indication of the type of sewage disposal to be used in the subdivision.

   (a) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Pittsfield Sewer Department stating the department has the capacity to collect and treat the waste water shall be provided.

   (b) When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7. An indication of the type of water supply system(s) to be used in the subdivision.

   When water is to be supplied by public water supply, a written statement from the Pittsfield Water Department shall be submitted indicating there is adequate supply and pressure for the subdivision.

8. The date the plan was prepared, north point, and graphic map scale.

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.

10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

16. The location, names, and present right of way widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

17. The proposed lot lines with approximate dimensions and lot areas.

18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

19. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality’s Flood Insurance Rate Map, shall be delineated on the plan.

22. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and;

   (a) Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled “Hydrogeologic Data for Significant Sand and Gravel Aquifers,” by the Maine Geological Survey, 1985 as amended from time to time, or

   (b) The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.
23. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition as amended from time to time, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

24. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

25. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

ARTICLE 8 - FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least twenty-one days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. All applications for final plan approval for a major subdivision shall be accompanied by a non-refundable application fee of $25 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a waste water discharge license is needed.

2. Maine Department of Human Services, if the applicant proposes to provide a public water system other than the Pittsfield Water Department.

3. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

D. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board’s receipt of the plan until the next meeting which the applicant attends.

E. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

F. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

G. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a public hearing on the final plan application.

H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.

I. The Board shall notify the public works foreman, superintendent water/sewer department, school superintendent, police chief, and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department’s existing capital facilities to service the proposed subdivision.

J. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.
K. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 as amended from time to time and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and four copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The final plan shall include or be accompanied by the following information.

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor’s map and lot numbers.

B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Pittsfield Sewer Department indicating the department has reviewed and approved the sewerage design shall be submitted.

D. An indication of the type of water supply system(s) to be used in the subdivision.

1. When water is to be supplied by an existing public water supply, a written statement from the Pittsfield Water Department shall be submitted indicating the department has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
2. When water is to be supplied by private wells, evidence of adequate ground or bedrock water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

E. The date the plan was prepared, north point, graphic map scale.

F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

G. The location of any zoning boundaries affecting the subdivision.

H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

I. The location and size of existing and proposed sewers, water mains, culverts, stormwater management facilities and drainage ways on or adjacent to the property to be subdivided.

J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.

K. Street plans, meeting the requirements of Section 12.2.B.2.

L. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995) as amended from time to time. The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

M. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 as amended from time to time. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open
spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

P. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992 and as amended from time to time. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.

2. A long-term maintenance plan for all phosphorus control measures.

3. The contour lines shown on the plan shall be at an interval of no less than five feet.

4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

Q. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

R. The location and method of disposal for land clearing and construction debris.

8.3 Final Approval and Filing

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404 as amended from time to time, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
C. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 10. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

E. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 9 - REVISIONS TO APPROVED PLANS

9.1 Procedure

An applicant for a revision to a previously approved plan shall, at least twenty-one days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

9.2 Submissions

The applicant shall submit a copy of the approved plan as well as ten copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page on which the original plan is recorded at the Registry of Deeds.
9.3 Scope of Review

The Board’s scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 10 - INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the code enforcement officer in writing of the time when s/he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans.

D. At the close of each construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were
encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the municipal officers to accept a proposed public way, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. “As built” plans shall be signed by a professional engineer and submitted to the municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners’ association.

10.2 Violations and Enforcement

A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved and signed by the Board in accordance with these regulations.

B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

D. No public utility, water utility, sanitary utility or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.

F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452 as amended from time to time.

H. When any violation of any provisions of this Code shall be found to exist, the Town Council,
after notice from the Code Enforcement Officer, shall assume sole responsibility for resolution the violation. Any resolution will be by the Council in the name of the Town. The Council may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. The Council shall adopt written procedures for it’s conduct in addressing a violation. This provision shall not prevent any person aggrieved by a violation of this Code from taking appropriate legal action against the violator.

ARTICLE 11 - PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1 Pollution

A. The proposed subdivision shall not discharge waste water to a water body without a license from the Maine Department of Environmental Protection.

B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

11.2 Sufficient Water

A. Water Supply

1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the Pittsfield Water Department system. When public water supply service will not be available at the time of construction of the subdivision, a “capped system” shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.

2. When a subdivision is to be served by the public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Pittsfield Water Department and the fire chief. When a proposed subdivision is not within the area
designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.

(a) Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

(b) Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Department of Human Services Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules as amended from time to time.

(c) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Department of Human Services Maine Rules Relating to Drinking Water (10-144A C.M.R. 231) as amended from time to time.

(d) In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If proposed water supplies contain contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3 Impact on Existing Water Supplies

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the town’s water department beyond the capacity of that system’s components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the cost of system improvements to the town’s system as necessary to alleviate existing deficiencies.

11.4 Soil Erosion
A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.

B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5 Traffic Conditions

A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

2. Avoid traffic congestion on any street; and

3. Provide safe and convenient circulation on public streets and within the subdivision.

B. More specifically, access and circulation shall also conform to the following standards.

1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as local residential streets.

2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to “D” or below.

3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways and traffic controls within existing public streets.

4. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas
of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:

(a) Facilitate fire protection services as approved by the fire chief; or

(b) Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

6. Street Names, Signs and Lighting.

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed by the developer as approved by the Board.

7. Clean-up.

Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

11.6 Sewage Disposal

A. Public System.

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the Pittsfield town sewer system.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

3. The Pittsfield Sewer Department shall certify that providing service to the proposed subdivision is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

4. The Pittsfield Sewer Department shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the department.
B. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.

2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

   (a) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.

   (b) On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

   (c) In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7 Impact on the Municipality's Ability to Dispose of Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.

3. The Board may require the application to include a landscape plan that will show...
the preservation of any existing trees larger than 18 inches diameter breast height, the replacement of trees and vegetation, and graded contours.

4. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.

5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

6. Reserved open space land shall be owned in common by the property owners in the subdivision.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

   (a) Habitat for species appearing on the official state or federal lists of endangered or threatened species;

   (b) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
(c) Shorebird nesting, feeding and staging areas;

(d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission;

2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

3. Other important habitat areas identified in the comprehensive plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

11.9 Conformance with the Land Use Ordinance

All lots shall meet the minimum dimensional requirements of the Land Use Ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the Land Use Ordinance.

11.10 Financial and Technical Capacity

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant’s previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.
11.11 Impact on Water Quality or Shoreline

Cutting or removal of vegetation along waterbodies shall not increase water temperature, result in shoreline erosion or sedimentation of waterbodies.

11.12 Impact on Ground Water Quality or Quantity

A. Ground Water Quality

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

   (a) A map showing the basic soils types.

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

   (c) Drainage conditions throughout the subdivision.

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

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

   (f) A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Maine Department of Human Services primary drinking water standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Maine Department of Human Services secondary drinking water standards.

4. If ground water contains contaminants in excess of the Maine Department of Human Services primary drinking water standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the Maine Department of Human Services secondary drinking water standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.13 Floodplain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

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

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall 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 statement 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 the plan.

D. The boundaries of all special flood hazard zones shall be delineated on the plan.

11.14 Identification of Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers and as amended from time to time.
11.15 Storm Water Management

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 as amended from time to time, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

1. Quantity.

   Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the Sebasticook River.

2. Quality.

   (a) Major Subdivisions.

   (b) Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995, as amended from time to time to achieve, by design, 40% reduction in total suspended solids.

   (c) Minor Subdivisions.

   (d) Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 as amended from time to time, to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.16 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services
A. All open space common land, facilities and property shall be owned by:

1. The owners of the lots or dwelling units by means of a lot owners’ association incorporated under laws of the State of Maine;

2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

3. The municipality.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:

1. It shall not be used for future building lots; and

2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

D. The final plan application shall include the following:

1. Covenants for mandatory membership in the lot owners' association setting forth the owners’ rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.

2. Draft articles of incorporation of the proposed lot owners’ association as a not-for-profit corporation; and

3. Draft by-laws of the proposed lot owners’ association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following.

1. The homeowners’ association shall have the responsibility of maintaining the common property or facilities.

2. The association shall levy annual charges against all owners of lots or dwelling
units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners’ association or the developer.

11.17 Phosphorus Impacts on Great Ponds

A. Phosphorus Export.

1. Any subdivision within the watershed of Sibley Pond shall limit its post development phosphorus export to the standards contained in the following table:

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Phosphorus Export Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sibley Pond</td>
<td>0.035 pounds of phosphorus /acre /year</td>
</tr>
</tbody>
</table>

The Board shall keep an accurate record of permits issued by watershed and shall notify the comprehensive planning committee of the actual development rates at five year intervals, as the comprehensive plan is reviewed and/or revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

2. Simplified Phosphorus Review.

The simplified review may be used for a:

(a) Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;

(b) Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions;

(c) Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.
(d) A proposed subdivision which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.


This section shall apply to proposed subdivisions which do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992 as amended from time to time. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

(a) Vegetative Buffer Strips.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners’ association shall include the following standards.

1. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

a) No Disturbance.

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

[1] Buffers shall be inspected annually for evidence of erosion or
concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.

[2] All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.

[3] Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

[4] No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.

[5] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

b) Limited Disturbance.

Maintenance and use provisions for other buffer strips may include the following:

[1] There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.

[2] Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.

[3] Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.

[4] Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

[5] Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be
replanted with native trees at least three feet in height unless existing new tree growth is present.

[6] Buffers shall not be used for all terrain vehicle or vehicular traffic.

2. Non-wooded Buffers.

a) Non-wooded buffers may be allowed to revert to or to be planted to forest, in which case the standards above shall apply.

b) A buffer must maintain a dense, complete and vigorous cover of “non-lawn” vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.

c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.

d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

(b) Infiltration Systems.

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners’ association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

(c) Wet Ponds.

A lot owners’ association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,
ARTICLE 12 - DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1 Sufficient Water

A. Well Construction.

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of one acre or less. On such lots, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

2. If located downhill from the street, wells shall not be constructed within 100 feet of the traveled way of any street. If located uphill of the street wells shall not be constructed within 50 feet of the traveled way of any street. This restriction shall be included as a note on the plan and as a deed restriction to the effected lots.

B. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.

2. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.

4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
12.2 Traffic Conditions

A. Access Control.

1. Where a minor subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. Where a major subdivision abuts or contains an existing street, no residential lot may have vehicular access directly onto that street. If a new arterial or collector street is proposed as part of the major subdivision, new residential lots may not take access directly off this arterial or collector street. These requirements shall be noted on the plan and in the deed of any lot with frontage on the such streets.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.


4. When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B below shall be met. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

(a) General.

Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers as amended from time to time.

1. Low Volume Access: An access with 50 vehicle trips per day or less.

2. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

3. High Volume Access: Peak hour volume of 200 vehicle trips or greater.

(b) Sight Distances.

Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an
object 4 ¼ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

1. Two Lane Roads.

   A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

2. Four Lane Roads.

   The sight distances provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:

   a) Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour, and

   b) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

<table>
<thead>
<tr>
<th>Operating Speed (mph)</th>
<th>Safe Sight Distance Left (ft.)</th>
<th>Safe Sight Distance Right (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>30</td>
<td>220</td>
<td>260</td>
</tr>
<tr>
<td>40</td>
<td>380</td>
<td>440</td>
</tr>
<tr>
<td>50</td>
<td>620</td>
<td>700</td>
</tr>
</tbody>
</table>

(c) Vertical Alignment.

   Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.

(d) Low Volume Accesses.

   1. Skew Angle.

   Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees
as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius.

The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

3. Access Width.

The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

(e) Medium Volume Accesses.

1. Skew Angle.

Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius.

Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

3. Width.

On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet. However, where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.


On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51
feet.

(f) High Volume Accesses.

1. Skew Angle.

High Volume Accesses shall intersect the road at an angle as nearly to 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius.

Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

3. Curb Cut Width.

Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

4. Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

5. Width.

Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

6. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

(g) Access Location and Spacing.

1. Minimum Corner Clearance.

15 - 45
Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

Table 12.2-1. Minimum Standards for Corner Clearance

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Intersection Signalized</th>
<th>Intersection Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Full Access:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>High Volume</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td><strong>Special Case (Partial Access):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Turn In Only</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Right Turn Out Only</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Right Turn In or Out Only</td>
<td>100</td>
<td>50</td>
</tr>
</tbody>
</table>

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.


Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.
(h) Number of Accesses.

The maximum number of accesses on to a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.

2. No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

(i) Construction Materials/Paving.

1. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

2. All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

B. Street Design and Construction Standards.

1. General Requirements.

   (a) The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations or other Town of Pittsfield street ordinances. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

**Table 12.2-2. Minimum Access Spacing**

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Minimum Spacing to Property Line (Dpl)</th>
<th>Medium (feet)</th>
<th>High w/o RT* (feet)</th>
<th>Minimum Spacing to Adjacent Access by Type 2 (Dsp)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium Volume</td>
<td>10</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>75</td>
<td>75</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>----</td>
<td>----</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td>High Volume (w/o RT)*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Volume (w/ RT)**</td>
<td>75</td>
<td>75</td>
<td>250</td>
<td>500</td>
</tr>
<tr>
<td>Special Case</td>
<td>10</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Dpl = Distance measured from Property Line - Measured from point of tangency of access to projection of property line on roadway edge.
2. For two more accesses serving a single parcel, or from a proposed access from an existing access.
3. Dsp = Spacing between driveways - measured from point of tangency of access to point of tangency of adjacent access.
   *High volume access without right turn channelization.
   **High Volume access with right turn channelization.
   ***Right turn-in-only-upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

(b) Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

1. Date, scale, and north point, indicating magnetic or true.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

(c) Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the foreman of the Public Works Department, and the CEO for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the CEO and the foreman of the Pittsfield Public Works Department for review and comment.
(d) Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the foreman of the Pittsfield Public Works Department or the Maine Department of Transportation, as appropriate.

(e) Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards.”

2. Street Design Standards.

(a) These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.

(b) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.

(c) Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

(d) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

(e) The design standards of Table 12.2-3 shall apply according to street classification.

(f) The centerline of the roadway shall be the centerline of the right-of-way.

(g) Dead end streets.

(h) In addition to the design standards in Table 12.2-3, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet; inner edge of
pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. In addition, the applicant shall make provisions for future road connections from the existing cul-de-sac to the next street for continuation of the road.

(i) Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Sight Distance (ft.)</td>
<td>125</td>
<td>150</td>
<td>200</td>
<td>250</td>
</tr>
</tbody>
</table>

Stopping sight distance shall be calculated with a height of eye at 3 ½ feet and the height of object at ½ foot.

Table 12.2-3. Street Design Guidelines

<table>
<thead>
<tr>
<th>Design Standard</th>
<th>Type of Street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arterial</td>
</tr>
<tr>
<td>Minimum Right-of-Way Width</td>
<td>80'</td>
</tr>
<tr>
<td>Minimum Traveled Way Width</td>
<td>44'</td>
</tr>
<tr>
<td>Minimum Width of Shoulders (each side)</td>
<td>5'</td>
</tr>
<tr>
<td>Sidewalk Width</td>
<td>8'</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>.5%</td>
</tr>
<tr>
<td>Maximum Grade*</td>
<td>5%</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td></td>
</tr>
<tr>
<td>without superelevation</td>
<td>500'</td>
</tr>
<tr>
<td>with superelevation</td>
<td>350'</td>
</tr>
<tr>
<td>Design Standard</td>
<td>Arterial</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Roadway Crown**</td>
<td>¼”/ft min</td>
</tr>
<tr>
<td></td>
<td>½”/ft max</td>
</tr>
</tbody>
</table>

** Minimum Angle of Street Intersections

<table>
<thead>
<tr>
<th></th>
<th>90°</th>
<th>90°</th>
<th>90°</th>
<th>90°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Grade within 75 feet of intersection</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Minimum Curb Radii at Intersections</td>
<td>30'</td>
<td>25'</td>
<td>20'</td>
<td>20'</td>
<td>30'***</td>
</tr>
<tr>
<td>Minimum Row Radii at Intersections</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>20'</td>
</tr>
</tbody>
</table>

* Maximum grade may be exceeded for a length of 100 feet or less.

** Roadway crown is per foot of lane width.

*** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 41/4 feet above the pavement.

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance (ft.)</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>500</td>
<td>550</td>
</tr>
</tbody>
</table>

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

(j) Sidewalks.
Handicapped accessible sidewalks shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Where sidewalks exist adjacent to a proposed subdivision outside of growth areas, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall be of bituminous pavement or Portland cement concrete and shall meet these minimum requirements.

1. Location.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 ½ feet from the curb facing or edge of shoulder if the street is not curbed.

2. Bituminous Sidewalks.

   a) The “subbase” aggregate course shall be no less than twelve inches thick after compaction and shall consist of MDOT Section 703.06 Type B material with no stone larger than 4”.

   b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

   a) The “subbase” aggregate shall be no less than twelve inches thick after compaction and shall consist of MDOT Section 703.06 Type B material with no stone larger than 4”.

   b) The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

   (k) Curbs shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

3. Street Construction Standards.

   (a) The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

   (b) Preparation.

      1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

Table 12.2-4. Minimum Pavement Materials Thicknesses

<table>
<thead>
<tr>
<th>Street Materials</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private Right of Way</th>
<th>Industrial/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Subbase Course (max. sized stone 6&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without base gravel</td>
<td>24&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>24&quot;</td>
</tr>
<tr>
<td>With base gravel</td>
<td>20&quot;</td>
<td>15&quot;</td>
<td>15&quot;</td>
<td>15&quot;</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course (if necessary)</td>
<td>4&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Thickness</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 1/4&quot;</td>
<td>1 1/4&quot;</td>
<td>1 1/4&quot;</td>
<td>1 1/4&quot;</td>
<td>1 1/4&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>1 3/4&quot;</td>
<td>1 3/4&quot;</td>
<td>1 3/4&quot;</td>
<td>1 3/4&quot;</td>
<td>2 3/4&quot;</td>
</tr>
</tbody>
</table>

3. All organic materials or other deleterious material shall be removed to a depth of one foot below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of one foot below the subgrade of the roadway. On soils which have been identified by the foreman of the public works department as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of one foot below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

(c) Bases and Pavement.
1. Bases/Subbase.

a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

Table 12.2-5. Aggregate Subbase Grading Requirements

<table>
<thead>
<tr>
<th>Percentage by Weight Passing Sieve Designation</th>
<th>Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances and shall meet the MDOT Section 703.06 Type A standard. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

Table 12.2-6. Base Course Grading Requirements

<table>
<thead>
<tr>
<th>Percentage by Weight Passing Sieve Designation</th>
<th>Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>1/4 inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>
3. Pavements.

a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between May 15 and November 15, provided the air temperature in the shade at the paving location is 35°F and rising and the surface to be paved is not frozen or unreasonably wet.

b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between May 15 and October 15, provided the air temperature in the shade at the paving location is 50°F and rising.

12.3 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics.

1. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

2. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.

3. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.

B. Retention of Open Spaces and Natural or Historic Features.

1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the
subdivision to neighboring dedicated open space or recreation facilities; the type of
development and the demographic characteristics of potential residents in the
subdivision; and the density or lot sizes of the development.

2. Subdivisions with an average density of more than three dwelling units per acre shall
provide no less than fifty percent of the open space as usable open space to be improved
for ball fields, playgrounds or other similar active recreation facility. A site intended to
be used for active recreation purposes, such as a playground or a play field, should be
relatively level and dry, have a total frontage on one or more streets of at least 200 feet,
and have no major dimensions of less than 200 feet.

3. Sites selected primarily for scenic or passive recreation purposes shall have such access
as the Board may deem suitable and no less than 25 feet of road frontage. The
configuration of such sites shall be deemed adequate by the Board with regard to scenic
attributes and significant wildlife habitat to be preserved, together with sufficient areas
for trails, lookouts, etc. where necessary and appropriate.

4. Proposed subdivisions which include or are adjacent to buildings or sites on the National
Register of Historic Places or which the comprehensive plan has identified as being of
historical significance shall be designed in such a manner as to minimize the impacts on
the historic features. When the historic features to be protected include buildings, the
placement and the architectural design of new structures in the subdivision shall be
similar to the historic structures. The Board shall seek the advice of the Maine Historic
Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified
in the municipality. The Board recognizes that wildlife management must take into account
many site specific variables. Applicants proposing to subdivide land within identified
wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife
or a qualified wildlife biologist and provide their written comments to the Board. The
guidelines of this section shall apply to only those subdivisions which include significant
wildlife habitat or resources identified in Section 11.8.C.

1. Protection of Habitat of Endangered or Threatened Species.

   (a) Habitat for species appearing on the official state or federal lists of endangered or
   threatened species shall be placed in open space.

   (b) Deed restrictions and notes on the plan shall reflect standards from the Department
   of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the
   habitat for species appearing on the list of endangered or threatened species unless
   the Department of Inland Fisheries and Wildlife has approved cutting of vegetation
   in writing.

2. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon
Spawning and Nursery Areas.

(a) There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:

1. Shorebird nesting, feeding and staging areas;

2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

3. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or

4. Other important habitat areas identified in the comprehensive plan.

(b) This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Protection of Deer Wintering Areas.

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

4. Protection of Important Shoreland Areas.

(a) Except as in areas described in Section 12.3.C.2, within all areas subject to the state mandated 250 foot shoreland zone:

1. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4½ feet above the ground level on any lot in any ten year period.

2. Harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of the guidelines, volume may be considered to be equivalent to basal area.

3. Cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

(b) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

5. If the proposed subdivision includes other important wildlife habitat as identified by the
Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

12.4 Storm Water Management Design Guidelines


B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe. From that point, suitable excavated material should be used to minimize heaving.

D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line. Such catch basins shall be 48” diameter pre-cast concrete with a 2’ sump and a 4’ cone with a “bicycle friendly” cast iron grate. All catch basins shall be connected to a stormwater collection system.

E. Storm Drainage Construction Standards.

1. Materials.

   (a) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.

   (b) Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.

2. Pipe Gauges.

   Metallic storm drainage pipe shall meet the thickness requirements of Table 12.4-1, depending on pipe diameter:

<table>
<thead>
<tr>
<th>Table 12.4-1. Culvert Size and Thicknesses</th>
</tr>
</thead>
</table>

15 - 58
<table>
<thead>
<tr>
<th>Inside Diameter</th>
<th>Galvanized CMP</th>
<th>Aluminum/Zinc Coated CMP</th>
<th>Aluminum Coated CMP</th>
<th>Polymer Coated CMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>15&quot; to 24&quot;</td>
<td>14 ga.</td>
<td></td>
<td>16 ga.</td>
<td></td>
</tr>
<tr>
<td>30&quot; to 36&quot;</td>
<td>12 ga.</td>
<td></td>
<td>14 ga.</td>
<td></td>
</tr>
<tr>
<td>42&quot; to 54&quot;</td>
<td>10 ga.</td>
<td></td>
<td>12 ga.</td>
<td></td>
</tr>
<tr>
<td>60&quot; to 72&quot;</td>
<td>8 ga.</td>
<td></td>
<td>10 ga.</td>
<td></td>
</tr>
</tbody>
</table>

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.

4. 48" diameter pre-cast concrete manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5 Impact on Water Quality or Shoreline

Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

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 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 a tributary to a great pond, the width of the foot path shall be limited to six 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. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten year period.

C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
D. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 Blocks

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 12.2.B.2.j. Maintenance obligations of the easement shall be included in the written description of the easement.

12.7 Lots

A. Wherever possible, side lot lines shall be perpendicular to the street.

B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

E. Developers shall work with the municipal officials to assign appropriate lot numbers such that rapid identification is facilitated in emergencies.

12.8 Utilities

Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

12.9 Monuments

A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

B. Stone or precast concrete monuments shall be set at all corners and angle points of the
subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, a drill hole ½ inch deep shall locate the point or points described above.

D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

12.10 Phosphorus Export

A. When a proposed subdivision is within the direct watershed of Sibley Pond and qualifies for the simplified review procedure, a 75 foot wooded buffer strip or a 125 foot non-wooded buffer strip shall be provided on the downhill side of all lots along all tributaries to Sibley Pond and along Sibley Pond. Wooded and non-wooded buffer strips shall meet the standards set forth in Section 11.17 A 4 (a). In addition, the following standards shall be met.

1. Driveways and parking areas shall be designed and constructed such that runoff is quickly shed from driveways to buffer areas and that disruption of natural drainage patterns is minimized. Devices such as water bars, broad based drainage dips and razor blades, ditches, swales, ditch turnouts and the proper grading of gravel shall be utilized.

2. Roof runoff shall not be channelized to the pond but distributed over stable, well vegetated areas or infiltrated into the soil.

3. The use of phosphorus fertilizers shall be discouraged by notes on the plan.

4. Septic systems shall meet all current plumbing code requirements including loam liners where appropriate.

B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992 as amended from time to time.

ARTICLE 13 - PERFORMANCE GUARANTEES

13.1 Types of Guarantees

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:
A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;

B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager;

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the CEO, foreman public works department, municipal officers, and/or municipal attorney.

13.2 Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

13.3 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account to cover the cost of items not completed by the developer under the performance guarantee. In such case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

13.4 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought. A performance bond shall not be canceled by the issuer without prior written notice to the municipality.

13.5 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
13.6 Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13.7 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the CEO or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.8 Default

If upon inspection, the CEO or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality’s rights.

13.9 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 14 - WAIVERS

14.1 Waivers Authorized

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the land use ordinance, or these regulations.

14.2 Findings of Fact Required

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Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

14.4 Waivers to be shown on final plan

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 15 - APPEALS

15.1 Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under these regulations to Somerset County Superior Court, within thirty days of the date the Board takes its final vote on the application.

1 Ordinance 03-30, 10/21/2003
2 Ordinance 04-03, 03/02/2004
3 Ordinance 05-06, 03/15/2005
4 Ordinance 16-12, 08/16/2016
IN THE MATTER OF

TOWN OF PITTSFIELD   ) MANDATORY SHORELAND ZONING ACT
SOMERSET COUNTY  )
SHORELAND ZONING ORDINANCE )
ORDER #09-2019 ) APPROVAL WITH CONDITIONS

Pursuant to the provisions of 38 M.R.S. §§ 435-448, the Mandatory Shoreland Zoning Act ("Act"), and the Maine Department of Environmental Protection’s Guidelines for Municipal Shoreland Zoning Ordinances, 06-096 C.M.R. ch. 1000 (amended January 26, 2015) ("Guidelines"), the Department of Environmental Protection has considered the request for approval of the Town of Pittsfield Shoreland Zoning Ordinance (Ordinance), as amended on March 5, 2019, and FINDS THE FOLLOWING FACTS:

1. The Act requires municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of great ponds and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high-water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the Guidelines. 38 M.R.S. §§ 435 & 438-A.

2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendment to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection ("Commissioner"). The Commissioner may approve, approve with conditions, or deny the ordinance or amendment. If denied, or approved with conditions, such action must be preceded by notice to the municipality. If the Commissioner fails to act within 45 days of receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved. 38 M.R.S. § 438-A.

3. On March 8, 2019, the Town of Pittsfield submitted its amended Shoreland Zoning Ordinance as adopted on March 5, 2019 to the Department for review:

A. The submitted amendments make numerous revisions throughout the Ordinance, including minor corrections and clarifications, as well as substantive changes in standards including, but not limited to: expansion of nonconforming structures, lot coverage, revegetation requirements, and associated definitions. The submitted amendments purport to update the Ordinance to bring it into compliance with the Guidelines as amended on January 26, 2015.
B. The amendments to the Town's Ordinance, as they relate to adoption of the statewide timber harvesting standards defer all administration and regulation of all forestry activities within the municipality to the Bureau of Forestry, are consistent with the minimum requirements of the Chapter 1000 Guidelines.

4. The Department's review of the amended Ordinance has revealed the following significant deficiencies:

A. Section 17 Definitions fails to remove the term Windfarm required by the Maine Forest Service to properly become an option one municipality.

B. Section 17 Definitions has conflicting definitions for Building Height, Height of a Structure and two definitions for Enlargement or Expansion of a Structure.

5. On April 16, 2019, the Town of Pittsfield was notified by the Department of the above deficiencies, and the proposed conditional approval of the Ordinance.

BASED on the above Findings of Fact, the Commissioner makes the following CONCLUSION:

1. The deficiencies noted in paragraph 4 above can be addressed by the Commissioner approving the Ordinance with conditions. This will result in the Ordinance being substantially consistent with the requirements of the Mandatory Shoreland Zoning Act, 38 M.S.R., Section 438-A, and the minimum Guidelines.

THEREFORE, the Commissioner APPROVES the Ordinance, as amended on March 5, 2019, SUBJECT TO THE ATTACHED CONDITIONS:

1. Section 17 Definitions, shall be amended as follows:

   a. Remove the following term and associated definitions Windfarm

   b. Remove one of the definition for Enlargement or Expansion of a Structure the other shall be revised as follows:

      Enlargement or Expansion of a Structure: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point including all extensions such as, but not limited to: attached decks, garages,
MANDATORY SHORELAND ZONING ACT
APPROVAL WITH CONDITIONS

porches and greenhouses. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

c. Remove the following definition for Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22ND DAY OF APRIL, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: [Signature] For: Gerald D. Reid, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.
STATE OF MAIN
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

IN THE MATTER OF

TOWN OF PITTSFIELD
SOMERSET COUNTY
SHORELAND ZONING ORDINANCE
ORDER #37-2011

MANDATORY SHORELAND ZONING ACT
38 M.R.S. §§ 435-449
APPROVAL

Pursuant to the provisions of 38 M.R.S. §§ 435-449, and the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, 06-096 C.M.R. ch. 1000 (amended November 22, 2010), the Department of Environmental Protection has considered the Town of Pittsfield’s Shoreland Zoning Map (Map) as adopted on May 3, 2011, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Pittsfield to establish zoning controls in areas within 250 feet of the normal high water line of great ponds, and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of streams and tributary streams. Such zoning standards must be consistent with no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines) as adopted by the Board of Environmental Protection (Board).

2. The Act specifies that before a locally adopted shoreland zoning ordinance or map, or amendments to that ordinance or map, is effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or deny a locally adopted ordinance or map. If denied, or approved with conditions, such action must be preceded by notice to the municipality.

3. On May 24, 2011, the Town of Pittsfield submitted a copy of its amended Map for Department review.

4. Department review found the Map for the Town of Pittsfield to be substantially consistent with the Act and Guidelines. Based on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The Map for the Town of Pittsfield, as adopted on May 3, 2011, is substantially consistent with the requirements of the Act and Guidelines.

THEREFORE, the Department APPROVES the Zoning Ordinance Amendment for the Town of Pittsfield as adopted May 3, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

This permit is digitally signed by Taco Brown on behalf of Acting Commissioner Patricia Aho. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date.
2011.07.05 12:11:51 -04'00'

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...
CHAPTER 16 SHORELAND ZONING ORDINANCE

Conditional Approval: See Department Order #09-2019 at back of chapter

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Shoreland Zoning Ordinance for the Municipality of Pittsfield

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 commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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.).

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,
   - upland edge of a coastal wetland, including all areas affected by tidal action, or
   - upland edge of a freshwater wetland,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on March 5, 2019, and the Town of Pittsfield Zoning Maps dated February 11, 2011 which were adopted by the municipal legislative body on May 3, 2011, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on August 11, 2009 is hereby repealed.

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

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.

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.

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, except The Town of Pittsfield Pittsfield Chapter 13 Zoning Ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control. Except that in the shoreland zone road and property line setbacks shall not apply.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

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(s) which is (are) made a part of this Ordinance:

      (1) Resource Protection
      (2) Limited Residential
      (3) Limited Commercial
      (4) General Development
      (5) Stream Protection

   B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

   C. **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. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

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

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.

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.

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 or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. **General**

(1) **Transfer of Ownership.** 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 that 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.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same Planning Board, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

   (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

   (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

      (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

      (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded
or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the Planning Board.

(2) Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.

(3) 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 or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with
the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more 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.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, 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 eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.
Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

(5) **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, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other 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 allowed in Section 12(C)(1) 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, including water dependent uses in the CFMA district, 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)(5) 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 area, lot width and shore
frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) **Contiguous Built Lots**: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the July 30, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

A. **Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

- (1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficial connected to a water body during the period of normal high water.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. **Limited Residential District.** The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.

C. **Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. **General Development.** The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

   (a) Areas devoted to manufacturing, fabricating or other industrial activities;

   (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

   (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are 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. Also, Johnson Brook from the 300-foot contour as depicted on the USGS map to the Burnham town line.
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:**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Allowed (no permit required but the use must comply with all applicable land use standards.)</td>
</tr>
<tr>
<td>No</td>
<td>Prohibited</td>
</tr>
<tr>
<td>PB</td>
<td>Allowed with permit issued by the Planning Board.</td>
</tr>
<tr>
<td>CEO</td>
<td>Allowed with permit issued by the Code Enforcement Officer</td>
</tr>
<tr>
<td>LPI</td>
<td>Allowed with permit issued by the Local Plumbing Inspector</td>
</tr>
</tbody>
</table>

**Abbreviations:**

- RP - Resource Protection
- GD - General Development
- LR - Limited Residential
- LC - Limited Commercial
- SP - Stream Protection
TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Plank</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>5. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>6. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>11. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Agriculture</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Temporary</td>
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<td></td>
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<tr>
<td>b. Permanent</td>
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<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td></td>
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<tr>
<td>19. Home occupations</td>
<td></td>
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<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
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<tr>
<td>21. Essential services</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
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<td></td>
</tr>
<tr>
<td>a. Temporary</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b. Permanent</td>
<td></td>
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</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Other essential services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>A. Other essential services</td>
<td></td>
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<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>23. Public and private recreational areas involving minimal structural development</td>
<td></td>
<td></td>
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<tr>
<td>24. Individual, private campsites</td>
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<tr>
<td>25. Campgrounds</td>
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<tr>
<td>26. Road construction</td>
<td></td>
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</tr>
</tbody>
</table>

1In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3In RP not allowed in areas so designated because of wildlife value.
4Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6See further restrictions in Section 15(L)(2).
7Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8Except as provided in Section 15(H)(4).
Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

Permit not required but must file a written “notice of intent to construct” with CEO.

Option 3 towns only.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate “piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland”.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Standards</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Residential per dwelling unit</td>
<td>43,560</td>
<td>200</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
</tr>
</tbody>
</table>

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

NOTE: In a district equivalent to a General Development District that is served by municipal water and sewer systems, capable of supply service, the Planning Board may approve greater residential or use densities than set forth in section 15 (1) (a) (b) (c) above provided the development is contained in the footprint of the existing structures only.

B. Principal and Accessory Structures
(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(b) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(c) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(O)(2)(a), may traverse the buffer;
(6) 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, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

(3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(5) 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.

(6) 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 Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
(7) 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 classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:
(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource
Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21 +</td>
<td>40</td>
</tr>
</tbody>
</table>

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.
I. **Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. **Storm Water Runoff**

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. **Septic Waste Disposal**

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

**NOTE:** The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. **Essential Services**

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable
alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) 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

(b) The final graded slope shall be two and one-half to one (2 1/2:1) 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.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture
(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

N. Plank

0. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6)
feet in width as measured between tree trunks and/or shrub stems is allowed for accessing
the shoreline provided that a cleared line of sight to the water through the buffer strip is
not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-
distributed stand of trees and other natural vegetation is maintained. For the purposes of
Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified
GPA or a river or stream flowing to a great pond classified GPA, shall be defined as
maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250
square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 – &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8-&lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand
of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot
rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or
lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except
as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the
minimum points required or as otherwise allowed by this Ordinance;

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot
rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining
existing vegetation under three (3) feet in height and other ground cover and retaining at
least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet
above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not
exist, no woody stems less than two (2) inches in diameter can be removed until 5
saplings have been recruited into the plot.

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

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3)
feet in height and other ground cover, including leaf litter and the forest duff layer, shall
not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

(b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten
thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

(a) A coastal wetland; or

(b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

(a) All trees and saplings removed must be replaced with native noninvasive species;

(b) Replacement vegetation must at a minimum consist of saplings;

(c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. 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 also 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 rip-rap.

(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 riprap.

U. 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.

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

W. Archaeological Site. 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.

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 30-A M.R.S.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. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

   (a) The replacement culvert is not more than 25% longer than the culvert being replaced;

   (b) The replacement culvert is not longer than 75 feet; and

   (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

**C. Permit Application**

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use 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 14, 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 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 inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
8. Will avoid problems associated with floodplain development and use; and
9. 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 statute administered by the municipality.

E. **Special Exceptions.** In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not 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 or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de
novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals.** Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

   (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

   (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

       a. That the land in question cannot yield a reasonable return unless a variance is granted;

       b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

       c. That the granting of a variance will not alter the essential character of the locality; and

       d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest
extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. 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.

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

(4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Definitions apply to all Land Use Ordinances unless otherwise specified.

**Abutting Property:** Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**Accessory Building:** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**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.
Addition: Any proposed change which increases the size of a building.

Adjacent Grade: Means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the U.S. Department of Housing and Urban Development for housing affordability.

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.

Agriculture - the production, keeping or maintenance for sale or lease of plants 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 green-house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: A change, addition, or modification, requiring construction, including any change in the location of structural members of buildings such as bearing walls, columns, beams, or girders which would alter or affect any exterior architectural features.

Antenna: A system of electrical conductors that emit or receive radio waves, including microwave dishes.

Applicant: The person applying for subdivision approval under these regulations.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Area of Special Flood Hazard: 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 1 of the Flood Plain Management Ordinance.

Arterial: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

Attic: The unfinished portion or portions of a building which are located immediately below and wholly or partly within the roof framing.

Automobile Graveyard: A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked automobiles.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Backlot: A lot that has no frontage on a road, street or private way. Backlots shall not be permitted in the Town of Pittsfield.
Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Billboard: A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

Boarding house: A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation.

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.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

Building Width: The minimum horizontal dimension of the principal part of the building. The width shall not include outside porches not used as normal living space.

Business and Professional Offices: Offices for the conduct of business which involve no sales of products available on the premises, except those pertaining to the profession, or storage of materials or equipment which are used off the premises. The following uses are not considered business and professional offices:

1) Distribution facilities
2) Sales offices involving on-premises display and sales of materials
3) Offices of building contractors involving the storage of materials or equipment

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.
Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

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.

Change from One Category of Nonresident Use to Another Category of Nonresidential Use: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

Charitable/Benevolent Association: A non-profit organization that is not organized or operated for the purpose of carrying on a trade or business. No part of its net earnings may benefit any member of the association. The purpose shall be to provide religious, social, physical, recreational and/or benevolent benefits to its members/associates.

Code Enforcement Officer: A person appointed by the municipal officers to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

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. The term “commercial use” shall not include medical marijuana dispensaries or methadone clinics, which uses shall not be allowed in any shoreland zoning district.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Corner Lot: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. Such corner lots shall be deemed to have two front yard setbacks.

Coverage: That percentage of the plot or lot area covered by the building area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.
**Curb Cut:** The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

**Day Care Center:** A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more children. This use shall be a principal use and shall require a conditional use approval and site plan approval by the Planning Board.

**Day Care Home:** A single family home used generally to provide day care services or baby-sitting services for six (6) or fewer children. This shall be considered a home occupation.

**Day Care Home, Class A:** A home used generally to provide day care services or baby-sitting services for more than six (6) but twelve (12) or fewer children. This use shall be an accessory to the residential use but shall require a conditional use approval from the Planning Board.

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**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 or alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Direct Watershed of a Great Pond:** That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

**Drive-through Service:** A retail or service activity in which the customer does not leave his/her
motor vehicle to complete the transaction, and which complies with the following requirements:

1) A separate, defined stacking lane is provided which will accommodate a minimum of five vehicles.
2) The transaction occurs at a defined service window or terminal.
3) The service window or terminal is located a minimum of sixty (60) feet, with the maximum to be established at Site Plan Review, from the point of egress onto the nearest street right-of-way.
4) The architectural design of the service window or terminal shall be compatible with the principal use.

**Dwelling:** A building designed or used as the living quarters for one or more families. The term shall not be deemed to include a hotel, motel, rooming house, mobile home, or trailer, but shall include a modular housing unit consisting of two or more units of which neither unit is a complete dwelling unit and which is constructed in accordance with the BOCA Building Code.

**Dwelling: Multi-Family:** A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

**Dwelling: Single-Family:** A detached residence for, or occupied by, (1) family only.

**Dwelling: Two Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.(For shoreland zone, see Residential Dwelling Unit).

**Elevated Building:** 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.

**Elevation Certificate:** An official form (FEMA Form 81-31, 03/97, 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.
**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.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Enlargement or Expansion of a Structure:** An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

**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.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Enlargement or Expansion of a Structure:** An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar
accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use, except in the shoreland zone where a variance is required to exceed the expansion limitations.

**Exterior Architectural Features:** Elements of a building’s outside appearance including but not limited to, architectural character, general composition and general appearance of exterior siding, exterior trim, change in size of door and window openings, roofs, porches, signs, fire escapes, and accessory buildings and solar facilities.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Final Plan:** The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Fisheries, Significant Fisheries:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flood or Flooding:**

   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:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map:** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Pittsfield, Maine.

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

**Flood Insurance Study:** See Flood Elevation Study.

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

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodproofing:** 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** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Floor Area Ratio:** A measure of the intensity of the use of a piece of property determined by dividing the sum of the gross floor area of all floors of all principal buildings or structures by the total area of the parcel.

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

**Forest wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**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.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
(1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

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

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

**Functionally Dependent Use:** 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.

**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, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

**Great pond classified GPA** - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.
**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to one eighth of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**Historic or Archaeological Resources:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

**Historic Structure:** 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.

**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.

**Hotel/Motel:** A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

**Household Pets:** Those animals normally considered as household companions, and not including
horses, cows, sheep, goats, mink, swine, chickens, turkeys or any animals raised for sale or for the sale of their products.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

**Institutional** – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Junk Yard:** A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of second-hand products or materials, for the storage of any three or more automobiles or trucks which cannot pass the state inspection test in their existing condition.

**Kennel:** An establishment in which more than four (4) dogs or four (4) cats more than one year old are housed, bred, boarded, trained or sold.

**Landscaped Buffer Strip:** A landscaped area adjacent to and parallel with the front property line of a lot or parcel. The border strip may be crossed by drives, access roads or pedestrian ways but otherwise shall be maintained in a landscaped state. The border strip shall not be used for parking, the storage of materials, equipment or wastes or the display of any equipment, materials or products.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board as amended from time to time. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Lot:** A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County.
Registry of Deeds.

**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. Also a parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

**Lot Lines**: The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

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

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

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

**Manufactured Housing**: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. For the purposes of this Ordinance the term includes:

- **Mobile Homes**
  1. Units constructed after June 15, 1976 and commonly called “newer mobile homes” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet in size (not including any tongue) and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

- **Modular Homes**
  2. Units commonly called “modular homes” which the manufacturer certifies are constructed in compliance with Title 10, Ordinance 957, and rules adopted under that Ordinance, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

**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, bait and tackle shops and marine fuel service facilities.

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

**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.

**3 Medical marijuana dispensary**: A “registered dispensary” as that term is defined by 22 M.R.S.A. Section 2422(6), as may be amended from time to time, including any location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. Section 2428, as may be amended.

**3 Methadone Clinic**: A clinic or similar facility that provides for the operation of substance abuse treatment programs to provide treatment for persons with heroin or other opioid addictions where the treatment provided includes administration or prescription of methadone or other opioid replacements (e.g., methadone, methadone hydrochloride or LAAM (leva-alpha-acetyl-methadol) for either detoxification or maintenance purposes, which treatment programs are typically licensed by the State of Maine Department of Health and Human Services Division of Licensing and Regulatory Services under 14-118 Code of Maine Regulations (Chapter 5), as may be amended from time to time.

**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.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**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.

**Mobile Home Park**: A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. Individual home sites may be rented or leased.

day or seasonally, but which does not include such structures temporarily located on any particular private property for such purposes for less than one-half hour. It shall not include such uses as construction offices during the duration of a building project or sales as part of an approved farmers market, fair or similar event.

**Mobile Vending Unit**: A vehicle, trailer, van, pushcart or portable structure which is temporarily
located on private property for the purpose of operating a retail business or service business and removed from the site every 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.

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

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

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Municipality: The Town of Pittsfield.

National Geodetic Vertical Datum (NGVD): 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).

Native – indigenous to the local forests.

Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas so identified in the municipality's comprehensive plan.

Net Acreage: The net area of any parcel or site generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen percent (15%) of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.
2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Planning Board.
3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
4. Areas characterized predominately by soils classified by the U.S. Soil Conservation Service as either a) “very poorly drained” or b) “poorly drained” and having a slope of less than three percent (3%).
5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.
6. Stream channels, as measured from the top of banks, and other surface water bodies, as
measured from the high water mark.

7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be decreed unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.

8. Areas of un-reclaimed gravel or borrow pits.


10. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Sitting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the sitting of structures and that proposed subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

**Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

**Net Residential Density:** The net residential acreage of a parcel of land divided by the minimum lot area per dwelling unit.

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

**New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

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

**Non-native invasive species of vegetation** - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.
Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nursing Home: Any dwelling in which three (3) or more aged, chronically ill, or incurable persons are housed and furnished with meals, and nursing care for compensation.

100-Year Flood: The highest level of flood that, on the average, has a one percent (1%) chance of occurring in any given year.

Outlet stream: any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Parking Space: Parking space shall mean an area of not less than 180 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

Planned Residential Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation of programmed series of development stages. It may contain more than one principal structure on a lot and may include a mix of single family detached houses with Town houses and apartment buildings with common recreation areas and off-street parking.

Piers, docks, wharves, 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.

Planning Board: The Planning Board of the Town of Pittsfield.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Prime Agricultural Soils: Prime agricultural soils are those soils which have the least limitations
for growing food and will produce the best yields with the least environmental damage.

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

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

**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.

**Public Improvement**: Works of governmental units and public utilities, including but not limited to, lighting, sidewalks, street furniture, overhead utilities, buildings, tree planting programs, street signs, and traffic lights.

**Public Sewer System**: A common sewer controlled by a public, governmental authority.

**Public Water System**: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

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

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<tr>
<th>Soil Series</th>
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<td>Suncook</td>
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**Recharge Area**: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**Recording Plan**: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

**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.

**Regulatory Floodway**:  

a. 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.

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.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Roadside Stand: A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants. In addition, it may involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50% of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a roadside stand.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.
**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, Lot Line:** The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

**Setback Shoreline** the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a freshwater or coastal wetland.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

**Sign:** Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

**Sign Area:** The surface area on one side of the smallest simple geometric shape exemplified by a
square, rectangle, triangle, circle, etcetera, encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purposes of calculating the surface area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

**Sign, Canopy:** A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Sign, Consolidated:** A single, on premise sign that serves two or more businesses or entities, all of which are located at the same lot of record, which sign is on a single device, fixture, placard, or structure.

**Sign, Freestanding:** A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

**Sign, Externally Illuminated:** A sign that is lit entirely from an external source, such as flood or spot lights, and is so arranged that no direct rays of light are projected from the external source onto adjoining properties or public streets.

**Sign, illuminated:** A sign lit in any manner by an artificial light.

**Sign, Internally Illuminated:** A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

**Sign, Ladder:** A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section.

**Sign, Off Premise:** A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

**Sign, On Building:** A sign that is attached to the building wall and extends not more than six inches from the face of such wall.

**Sign, On Premise:** A sign that is located on the same lot of record that the business, facility, or point of interest is located.

**Sign, Projecting:** A sign that is attached to a building wall and extends more than six inches from the face of such wall.

**Sign, Portable:** A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.

**Sign, Temporary:** A sign of temporary nature, erected for a period of less than 90 days within any 12 month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising the sale of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business’ premises in which the written or printed message
changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs.

**Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

**Special Flood Hazard Area:** See *Area of Special Flood Hazard*.

**Storm-damaged tree** - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**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, whether or not that alteration affects the external dimensions of the building.

**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, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream. This definition also includes Johnson Brook from the 300 foot contour as depicted on the USGS Map to the Burnham Town Line.

**Street:** A way established or maintained under public authority, or a fifty (50) foot wide recorded private way approved by the Planning Board, or a way shown on a plan of a subdivision duly approved by the Planning Board. The right-of-way of a street cannot be used to calculate the frontage of a lot.

**Street Classification:**

*Arterial Street:* A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

- Interstate 95
- Canaan Road
- Main Street
- Somerset Avenue

*Collector Street:* A street with average daily traffic of 200 vehicles per day or greater, or streets
which serve as feeders to arterial streets, and collectors of traffic from minor streets. The following roadways shall be considered collector streets:

- North Main Street
- Hartland Avenue
- Hunnewell Avenue
- Madawaska Ave.
- Phillips Corner Road
- Peltoma Avenue

**Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Local Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Right-of-Way:** A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

**Structure** – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

**Subdivision:** The division of a tract or parcel of land into three (3) or more lots as defined by the Maine Revised Statutes Annotated, Title 30-A, Sec. 4401, as amended, within any five (5) year period.

**Substantial Construction:** The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 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.

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Substantially Commenced; Substantially Completed:** Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Tract or Parcel of Land:** All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road 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.

**Tree** - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is
connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Turning Circle:** A street segment forming a circle at the closed end of a cul-de-sac street, with a curve radius of 100 feet as measured to the outside line of the right-of-way.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Usable Open Space:** That portion of the common open space that due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained nor very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

**Use:** The declared or ostensible purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**Utilities:** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telegraph exchanges, commercial microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

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

**Violation:** Means the failure of a structure, use, lot or development to comply with a community's floodplain management regulations or the standards of this Ordinance.

**Velocity zone** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**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, stream, tributary stream, or wetland whether under, though, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables.
as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater or coastal wetland.

**Wildlife Habitat, Significant Wildlife Habitat:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas so identified in the municipality's comprehensive plan.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

**Yard:** An unoccupied space, open to the sky, on the same lot with a building or structure.

**Yard Front:** An open unoccupied space on the same lot with the building or structure between the front line of the building or structure and the front line of the lot at the road or street and extending the full width of the lot.

**Yard Rear:** An open unoccupied space on the same lot with the building or structure between the rear line of the building or structure and the rear line of the lot and extending the full width of the lot.

**Yard Side:** An open unoccupied space on the same lot with the building or structure situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

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1Ordinance 11-06, 05/03/2011  
2Ordinance 14-06, 05/06/2014  
3Ordinance 15-03, 03/03/2015
APPENDIX A

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masards and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;

7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.
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CHAPTER 17. TAX ACQUIRED PROPERTY

An ordinance for the Maintenance, Administration, and Disposition of Tax Acquired Property for the Town of Pittsfield.

ARTICLE 1. GENERAL

Section 101. Short Title

This Ordinance, prepared in accordance with the provisions of Title 30A, Sections 3001 and 3002, MRSA, as amended, shall be known as and may be cited as the “Ordinance for the Maintenance, Administration, and Disposition of Tax Acquired Property for the Town of Pittsfield, Maine” and shall be referred to herein as the “Ordinance.”

Section 102. Purpose

The purpose of the Ordinance is to establish and dictate a procedure whereby real estate property, acquired in accordance with Title 36 MRSA, Sections 942 and 943 as amended, shall be managed, administered, and disposed of by the Town of Pittsfield.

Section 103. Definitions

For the purposes of this Ordinance, the following definitions shall be observed in the construction of this Ordinance.

Section 103.1 “Foreclosed Tax Lien” shall mean a tax lien mortgage that has automatically foreclosed pursuant to 36 MRSA, Sections 942 and 943.

Section 103.2 “Just Value for the Current year Taxes Not Assessed” shall mean the amount of taxes that would have been assessed to the property had it not been owned by the municipality on April 1st of the year in which it is sold by the municipality. (NOTE: The purpose of this definition is to recover for the municipality those taxes which would have been assessed to the property if it had been privately owned on April 1st in the year in which it is sold. These taxes would be lost under current law if the municipality sells tax acquired property after April 1st.)

Section 103.3 “Land or Lands” shall mean that portion of the physical surface of the earth either natural, or modified by man to a permanent or semi-permanent site, and all natural or man-made resources therein and thereon. For the purposes of this Ordinance, land shall be commonly referred to as real estate property as cited in Section 103.10.

Section 103.4 “Certified Mail” shall mean certified, first class mail posted at any United States Postal Service (USPS) facility, return receipt requested, postage prepaid.
Section 103.5 “Manufactured Real Estate Property” shall mean any structure, building or
dwelling, the same being constructed or fabricated elsewhere and transported, in whole or in part,
to and placed, set or installed permanently or temporarily upon land within the municipality.
For the purposes of this ordinance, manufactured real property shall be commonly referred to as
real estate property as cited in Section 103.10.

Section 103.6 “Municipality” shall mean the Town of Pittsfield, Maine.

Section 103.7 “Municipal officers” shall mean the Town Council of the Town of Pittsfield,
Maine.

Section 103.8 “Prior Owner” shall mean the person or persons, entity or entities, heirs or assigns
to whom the property was most recently assessed for municipal real estate property taxes.

Section 103.9 “Municipal Quit Claim Deed Without Covenant” shall mean a signed legal
instrument releasing the municipality’s right, title, or interest in real estate property, acquired by
virtue of foreclosed tax liens, to an individual or individuals, entity or entities without providing
a guarantee or warranty of title to same.

Section 103.10 “Real Estate Property” shall mean all land or lands, and all structures, buildings,
dwellings, tenements and hereditaments, including manufactured real estate property, located or
relocated upon any land or lands connected therewith and all rights thereto and interests therein.

Section 103.11 “Tax Acquired Property” shall mean that real estate property acquired by the
municipality by virtue of a foreclosed tax lien as cited in Section 103.1.

Section 103.12 “Tax Lien” shall mean the statutory lien created by 36 MRSA, Section 552.

ARTICLE 2. MANAGEMENT AND ADMINISTRATION

Section 201. Management

Following statutory foreclosure of a tax lien mortgage, title to the real estate property
automatically passes to the municipality. The management of this property rests exclusively
with the municipal officers, subject to the provisions of state statutes and local municipal
ordinances and regulations.

Section 201.1 The municipal officers shall obtain fire loss insurance for tax acquired property in
a dollar value not less than all outstanding taxes, liens, costs and other expenses.

Section 201.2 The municipal officers shall determine when and if any occupants of tax acquired
property shall vacate same.

Section 201.3 The municipal officers shall, after consulting with the Pittsfield Planning Board,
determine whether a tax acquired property is to be retained for municipal use or disposed of in
accordance with the provisions of this ordinance.

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Section 201.4 Should the municipal officers determine that tax acquired property shall be retained for use by the municipality, the municipal officers shall pursue an action for equitable relief in accordance with the provisions of Title 36, Section 946, MRSA, as amended, as a means of securing a clear title to the property.

Section 201.5 The municipal officers may charge a monthly rental fee to any and all occupants of tax acquired property. Should a rental fee be charged, the municipal officers shall obtain general liability insurance coverage for the rented tax acquired property.

Section 201.6 The municipal officers shall, in the event that the property be vacated for sixty (60) consecutive days, obtain general liability insurance coverage for the tax acquired property.

ARTICLE 3. DISPOSITION OF TAX ACQUIRED PROPERTY

Section 301. Disposal

1 The Town shall make a concentrated effort to assist prior owners who are residing in a single family residence on tax acquired property to establish a land installment contract or payment plan to purchase the property back from the Town. This effort shall include at least two (2) written requests and one (1) telephone call to the last known address on file.

Should the municipal officers determine that title to tax acquired property be relinquished rather than retained by the municipality, one of the following two processes will be observed depending upon when the property was acquired.

Section 301.1 Property acquired by foreclosed lien within the last one (1) year: The municipal officers shall solicit public bids for the sale of the properties acquired by foreclosed lien within the last one (1) year and shall publicly, in a manner, time, date, and place as determined by them, receive, open, and read aloud submitted bids. The municipal officers shall send notice of the impending sale, via certified mail, to any and all immediate prior owners of the said property. Such notification shall be made at least forty-five (45) days prior to the scheduled sale. The said prior owner may redeem the property within twenty one (21) days immediately following mailing of said notice, with full payment of all outstanding taxes, including a just value for the current year tax not assessed, liens, interest and all costs including, but not limited to notice (advertising) and insurance costs.

Section 301.2 Property acquired more than one (1) year ago by foreclosed lien: The municipal officers shall solicit public bids for the sale of the properties acquired more than one (1) year ago by foreclosed lien and shall publicly, in a manner, time, date, and place as determined by them, receive, open, and read aloud submitted bids.

Section 301.3 The municipal officers shall cause a public notice of impending public sale of tax acquired property to be posted within the municipal office, and to be advertised at least twice in a

1 Ordinance 02-22, 10/15/02
newspaper with general circulation within the municipality, the last notice to be published at least seven days prior to the advertised sale date.

Section 301.4 The municipal officers shall require the following for proper submission:

1. A quotation sheet containing a full description of the property being offered for sale, and the quotation in United States currency.

2. A certified check, bank money order, or postal money order in an amount not less than twenty percent (20%) of the quotation price, shall be included as a deposit on the quoted price. Failure to submit a deposit shall cause the quotation to be automatically rejected.

3. For the purpose of enabling the Town Council to make a determination of which proposal is in the best interest of the municipality, persons or other entities submitting proposals must attach a narrative statement as to what it/he/she/they propose to do with the property and within what time frame. Failure to submit a narrative statement shall cause the quotation to be automatically rejected.

Section 301.5 The municipal officers shall require that those quotation items cited in 301.4, subsections 1 through 3, be sealed in an envelope marked “Proposal - Tax Acquired Property” on the exterior and either be hand delivered to the municipality or, if mailed or sent by an overnight delivery service, to be enclosed in a second envelope addressed to the Town of Pittsfield, 8 Park Street, Pittsfield, ME 04967-1432. All quotations must be received by the municipality no later than the time and date specified for the opening of quotations.

Section 301.6 The municipal officers shall not accept any quotation for a dollar amount less than the total outstanding taxes, including a just value for current year taxes not assessed, liens, interest and all costs including, but not limited to, public notice fees (advertising) and insurance costs. In the case in which the Town has placed a property for sale twice and not received a bid covering all taxes and costs, the Municipal Officers may determine it to be in the best interest of the Town to accept a lesser amount or make other arrangements to preserve the health, safety and welfare of an area or the neighborhood.

Section 301.7 The municipal officers shall retain the right to reject any and all quotations submitted, to waive any formality in any proposal which, in its sole discretion, appears to best serve the interests of the municipality and the residents and property owners in proximity of the property.

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Should the municipal officers reject all quotations, the property may be offered again for public sale without any notice to any prior owner or owners.

Section 301.8 The municipal officers shall cause notification, via regular first class mail, to any successful party, of his/her/its/their successful quotation.

Section 301.9 The municipal officers shall, as a credit to payment, retain the submitted quotation price deposit of any successful party, and shall return all other submitted deposits.

Section 301.10 The municipal officers shall require payment in full, from any successful proposer within twenty one (21) days of scheduling an ordinance to public hearing for the sale of the property. The ordinance shall be set to public hearing on a date which takes place after the expiration of the twenty one (21) day period provided for payment. Should the successful proposer fail to complete the purchase, that proposer’s deposit shall be forfeited to the municipality which will also retain title to the proffered property. The municipal officers may, at their discretion, then accept the proposal of the next highest acceptable proposer.

Section 301.11 The municipal officers shall issue only a Municipal Quit Claim Deed Without Covenant to convey title to tax acquired property.

Section 301.12 The successful proposer shall be responsible for the removal of any and all occupants of purchased tax acquired property and shall, in writing, forever indemnify and save harmless the municipality from any and all claims arising out of the sale of the tax acquired property brought by the occupants of the purchased property, their heirs or assigns.

**ARTICLE 4. CONSTRUCTION**

**Section 401. Severability**

Severability is intended throughout and within the provisions of this ordinance. Should any provision, including inter alia any exceptions, part, phrase or term, or the application thereof to any person or circumstances be held invalid, the application of other provisions of this Ordinance in any and all other respects shall not be adversely affected.

**ARTICLE 5. ADOPTION**

This Ordinance was submitted at the Pittsfield Town Council meeting of September 3, 1996 and adopted at the Pittsfield Town Council meeting of September 17, 1996. Ordinance 03-14 to amend this code was submitted at the Pittsfield Town Council meeting on April 1, 2003 and adopted at the Pittsfield Town Council meeting on April 15, 2003.
CHAPTER 18. FINANCIAL ADMINISTRATION

ARTICLE 1. CEMETERY TRUST FUNDS INVESTMENT POLICY

Section 101. Purpose

Section 102. Investment Objectives

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CHAPTER 18.  FINANCIAL ADMINISTRATION

ARTICLE 1.  CEMETERY TRUST FUNDS INVESTMENT POLICY

Section 101.  Purpose

The Town of Pittsfield Cemetery Trust Funds (“Trust Funds”) have been established for the maintenance and preservation of the various Town cemeteries in a manner consistent with specific bequests, donations and appropriate municipal care. The Trust Funds are to be invested in a thoughtful and cautious manner to preserve and enhance the Funds’ ability to provide support for the aforementioned purposes.

Oversight of the Trust Funds is the responsibility of the Town of Pittsfield Town Council. In this role, the Town Council is responsible for the oversight of the investment process and will adhere to ordinary business care and prudence in the exercise of actions or decisions.

The Investment Policy set forth below is intended to:

•Establish a clear understanding of the Trust Funds’ objectives.

•Provide guidance and direction to the Trust Funds’ Investment Manager.

•Provide a basis to monitor and evaluate investment performance of the Trust Funds.

Section 102.  Investment Objectives

Return Requirements: The return objective should emphasize total return, including both capital appreciation and current income, in a long-term, inflation-protected context. Given the Trust Funds’ infinite life and the modest need for income, this policy favors flexibility and avoids overemphasis on current income production. The Trust Funds should generate sufficient income to at least partially offset the cost of maintaining the Town’s cemeteries. The Funds shall be invested with the goal of providing long-term appreciation of the assets while maintaining and enhancing sufficient earnings in the form of income and capital appreciation.

Risk Tolerance: In view of the Trust Funds long time horizon and limited liquidity needs, and the Town’s practice of providing at least a portion of the cemeteries’ operating expenses, the Trust Funds can assume a moderate to above-average risk level.

Section 103.  Investment Constraints

Liquidity: Income generated by the Trust Funds may be required for maintenance and preservation of the Town cemeteries. Prudence dictates maintaining some liquidity for scheduled distributions and emergency expenses. This avoids a sudden need to sell long-term investments to meet unexpected demands for cash.

Time Horizon: A relatively long time horizon can be assumed for planning purposes. The assets are likely to remain invested for at least 20 years and beyond.
Taxes: Not applicable.

Laws/Regulations: Funds may be used for cemetery maintenance/preservation.
Section 104.  Investment Manager(s)

The investment manager(s) shall manage the assets of the Trust Funds with the care, skill, prudence, and diligence that a prudent person familiar with such matters would use. Responsibilities include, but are not limited to, providing the Town with strategic investment counsel, custody of securities, income collection, portfolio management (including all buy/sell decisions), trade execution, and cash flow analysis. The investment manager will provide the Town Manager with a monthly report of all transactions and holdings. The investment manager will be available for meetings at such times as the Town Manager or Town Council may request.

Section 105.  Investment Guidelines

The investment manager(s) shall maintain a well-diversified portfolio employing a balanced investment strategy to achieve the required total return. In order to produce long-term capital appreciation of principal, a portion of the portfolio shall be dedicated primarily to mid and large capitalization equities. Another portion of the portfolio should be dedicated to fixed income investments to provide a consistent level of income. Mutual funds may also be used to complement the equity holdings.

Within the parameters below, the investment manager(s) shall have the discretion to allocate funds to equities, fixed income investments, or cash reserves depending on the investment manager’s outlook for the investment markets. Unless otherwise determined by the Town from time to time, the asset allocation for the funds shall be guided by the following:

<table>
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<tr>
<th>Target Allocation: Growth and Moderate Income (as a % of Fair Market Value)</th>
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<tr>
<td>Equities 65%</td>
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<tr>
<td>Debt Securities 30%</td>
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<tr>
<td>Cash &amp; Cash Equivalents 5%</td>
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Section 106.  Equity Investments

Equities will be used to provide capital appreciation as well as moderate income. Capital appreciation will allow the Trust Funds to keep pace with inflation. Equity investments shall be limited to the common stock of companies that trade on the New York Stock Exchange, American Stock Exchange, or the NASDAQ system. In addition, equity investments shall be limited to the following guidelines:

- A minimum of 25 stocks, with each encompassing approximately 2-3% of overall allocation.

- Maintain sector diversity consistent with the S&P 500, while adding value by over- and under-weighting sectors based on the current economic environment and fundamental and technical analysis.

- Avoid and eliminate holdings that do not show consistent positive fundamentals and favorable
Section 107. Fixed Income Investments

Fixed income investments shall be limited to direct debt obligations of the US Treasury, domestic corporations, mortgage-backed securities issued by Federal Agencies, and US Government Agencies. In addition, fixed income investments shall be limited to the following guidelines:

- Fixed income securities at the time of purchase must be investment grade or better by Standard & Poor’s or Moody’s Investor Service.
- Maturities of fixed income securities shall be structured to provide an average life of five (5) to ten (10) years, with an average life of up to fifteen years for mortgage-backed securities.
- Fixed income mutual funds may be used from time to time in order to enhance yield during an interim investing period.

Section 108. Cash Reserves

Investments in cash and cash equivalents shall be limited to insured or collateralized bank deposits, US Treasury Bills, repurchase agreements, or money market funds whose investments are limited to short-term direct obligations of the US Treasury, US Government Agencies or domestic corporations.

Section 109. Prohibited Investments

The Trust Funds shall not be invested in the following without the Town's approval:

- Futures Contracts
- Short Sales
- Option Contracts
- Private Placements
- Derivatives

Section 110. Performance Benchmarks

Performance will be monitored on a regular basis and evaluated relative to the Trust Funds’ long-term objectives using appropriate benchmarks for comparison.

Section 111. Communications with Investment Manager

The investment manager(s) will provide the Town with performance data no less than annually and will be available to meet with the Town no less than annually. The agenda for meetings with the investment manager will include, at a minimum, the following:
• Current investment strategy

• Prospective economic climate

• The Portfolio performance with respect to Investment Objectives and relative benchmarks

• The expected level of cash flow projected over the next fiscal year

**Section 112. Other**

The Town shall periodically review the Investment Policy and make modifications when warranted. Proposed modifications to this Investment Policy will be documented in writing.

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CHAPTER 19. EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF PITTSFIELD

Section 101. Short Title

This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Pittsfield. Authorized under Title 37-B M.R.S.A., Section 782.

Section 102. Definition

Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery and mitigation) and for liaison with the Somerset County Emergency Management Agency.

Section 103. Establishment

The Pittsfield Office of Emergency Management (OEM) and the position of Emergency Management Director (EMD) for the Town of Pittsfield are hereby created. The Town Council may appoint additional OEM staff members, as needed.

Section 104. Appointment, Term and Removal

The Town Council shall appoint the EMD. This appointment shall be for an indefinite period. The Town Council may remove the EMD for cause.

Section 105. Oath of the Emergency Management Director

Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.

Section 106. Duties of the Emergency Management Director

The EMD shall:

- Prepare and update a Hazard Risk and Vulnerability Assessment.
- Prepare and maintain the municipal Emergency Operations Plan.
- Organize, activate and operate the municipal Emergency Operations Center (EOC).
- Prepare and maintain a list of disaster resources.
- Develop procedures for the operation of the municipal EOC.
- Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Town Council.
- Provide Emergency Management training to town officials, planners, and responders.
- Develop and implement a Disaster Exercise program.
- Attend County Local Emergency Managers meetings.
- Provide Disaster Preparedness information to town residents.
- Complete and report Damage Assessments to WOEMA.
- Complete and submit applications for FEMA disaster funds and grants.
Section 107. Membership of the Emergency Operations Center

When directed by the EMD or the Town Manager, the EOC will be established and manned. At the discretion of the EMD or his Deputy, the following town officials may be included on the EOC staff:

A. Emergency Management Director or Deputy
B. Town Manager
C. Fire Chief or Deputy
D. Police Chief or Deputy
E. Public Works Foreman
F. Water and Sewer Supervisor
G. Code Enforcement Officer
H. Town Council Members
I. Town Clerk
J. Town Treasurer
K. Animal Control Officer

Section 108. Establishment of the National Incident Management System

The Town of Pittsfield hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all municipal emergency and disaster responders for incident management.

Section 109. Compensation

The EMD shall be compensated for duties rendered by an annual stipend as appropriated by the Town Council.

Section 110. Training

The EMD shall take necessary training as provided by the Somerset County Emergency Management Agency (STEMA), Maine Emergency Management Agency (MEMA), and FEMA.