

**Board of Selectmen Meeting
Village Fire Station – 32 North Street
February 8, 2018 – 6:00 PM**

Minutes of the Selectmen's Meeting of February 8, 2018

Selectmen Attending: Stuart Barwise, Sheila Matthews-Bull, Edward Hutchins

Selectmen Absent: Patrick A. Briggs, Allen Daggett

Others: Adam Brock, Jim Burrows, Michael Davis, Werner Gilliam, David James, Scott Latagne, Lee McCurdy, Crystal McCurdy, Arlene McMurray, Tracey O'Roak, David Powell, Breese Reagle, Laurie Smith, and Dick Stedman

1. Call to Order.

Vice-Chair Hutchins called the meeting to order at 6:02 PM.

2. Approve the January 25, 2018, selectmen meeting minutes.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to approve the January 25, 2018, selectmen meeting minutes. **Vote:** 3-0.

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).

Videographers Michael Davis and David Powell talked about the improvements in their videography equipment such as the ability to Skype, etc.

4. Capital Improvement Plan presentation.

(See Exhibit A)

Assistant Director of Parks and Recreation Breese Reagle talked about the Parks and Recreation projects.

Town Manager Laurie Smith mentioned the possibility of using the McCabe property for sledding.

Public Works Director and Acting Wastewater Superintendent Michael Claus spoke about the Public Works and Wastewater projects.

Harbormaster Lee McCurdy talked about his plans for the Cape Porpoise Pier Bait Building.

Acting Fire Chief Scott Lantage and Fire Administrator Dick Stedman spoke about the changes in the Fire Department and their equipment plans, realizing the new Fire Chief may have other ideas.

Town Clerk Tracey O'Roak discussed her plans for record preservation and gave important dates pertaining to ordinance changes:

- February 22, 2018 – Public discussion on proposed ordinance changes at the Board of Selectmen Meeting. After that, they would go to the Town Attorney for review.
- March 8, 2018 – Suggested changes by the Town Attorney presented to the Board.
- March 22, 2018 – Final draft presentation to the Board with any last-minute changes.
- April 12, 2019 – Last Selectmen's Meeting to sign the Warrant.

Ms. Smith spoke about the Police Department plans for replacing cruisers.

Director of Planning and Development Werner Gilliam talked about the review of zoning and land use.

5. Review proposed ordinance revisions for Town Meeting Warrant:

a. Street Ordinance

(See Exhibit B)

b. Administrative Code

Ms. Smith discussed the proposed ordinance revisions along with organizational restructuring and changes to the Administrative Code. (See Exhibit C)

c. Cape Porpoise Pier

(See Exhibit D and Exhibit D-2)

d. Revision to Growth Area Map

Mr. Gilliam spoke about the revision to the Growth Area Map and the next three revisions. (See Exhibit E)

e. Setback from Road/ROW cleanup, Clarification

(See Exhibit E)

f. Parking Standard revision 6.9 6.10 removal of lot coverage credit for semi-pervious materials.

(See Exhibit E)

g. Removal of fees from Floodplain Management Ordinance.

(See Exhibit E)

6. Set the 2018 fees for Goose Rocks Beach parking stickers.

Current fees are:

Resident seasonal	\$5.00
Nonresident daily	\$15.00
Nonresident weekly	\$50.00
Nonresident seasonal	\$100.00

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to set the 2018 fees for Goose Rocks Beach parking stickers the same as 2017. **Vote:** 3-0.

7. Adopt the Goose Rocks Beach Parking Sticker Rules/Regulations.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to adopt the Goose Rocks Beach Parking Sticker Rules/Regulations as presented. **Vote:** 3-0.

8. Request authorization to sell Fire Department air bottles.

Assistant Fire Chief Jim Burrows said the Fire Department has 60 plus air bottles that are no longer useful. He would like to sell them.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to permit the sale of the Fire Department air bottles. **Vote:** 3-0.

9. Award the bid for a hydraulic pump and hoses for the fire department.

Mr. Stedman announced it is the third year of the fire department's three-year program to upgrade their extrication equipment. He received three bids:

Dealer	Manufacturer	Item	Qty.	Net Price	Total
HSE Fire & Safety	Genesis	Hydraulic Pump Mach III Simo Pump With 5/5 HP Honda Engine	1		\$6,508.00
	Genesis	Hoses, 30' w/OSC	2	\$695.00	\$1,390.00
		Shipping estimate			160.00
		HSE Total			\$8,058.00

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Dealer	Manufacturer	Item	Qty.	Net Price	Total
Fire Tech & Safety	Amkus	Hydraulic Pump Mini Simo w/3 HP Honda Engine	1		\$7,995.00
	Amkus	Hoses, 30' w/adapters OSC connectors	2	\$1,080.00	\$2,160.00
		Shipping estimate			Not Provided
		FTS Total			\$10,155.00

Mr. Stedman recommended awarding the bid to HSE Fire & Safety.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to award the bid for the hydraulic pump and hoses at a cost of \$8,058 to HSE Fire & Safety. **Vote:** 3-0.

10. Award the backhoe bid.

Mr. Claus reported that he received three bids:

Backhoe	Bid Price	Trade In
John Deere 310 SL HL	\$119,000	\$31,000
Case 580 SN T4F	\$119,316.27	\$25,500
Caterpillar 420 F2 IT	\$125,700	\$30,000

He said his public works crew tried out each piece of equipment and liked the Case 580 the best. They would like to sell the 2009 backhoe instead of trading it in, because they think they can do better.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise to award the bid for the purchase of a Case 580 SN T4F backhoe to Beauregard Equipment at a cost of \$119,316.27, and to allow them to sell the 2009 backhoe independently. **Vote:** 3-0.

11. Wastewater Ordinance revisions.

Ms. Smith went over the changes that the previous Fire Chief Allan Moir had worked out with the attorney. (See Exhibit F).

12. Other business.**a. Fire Chief selection process.**

Ms. Smith announced that the position of Fire Chief was advertised with an application deadline date of February 23. The selection team will consist of two

members from the current fire department, Police Chief Sanford, Selectman Barwise, and a Fire Chief from another town.

13. Approve the February 8, 2018, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to adjourn the meeting. **Vote:** 3-0.

14. Adjournment.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to adjourn the meeting. **Vote:** 3-0.

The meeting adjourned at 7:02 PM.

Submitted by Arlene McMurray
Administrative Assistant

Exhibit A – February 8, 2018**MEMO**

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: FY 19 Capital Improvement Plan
Dt: February 5, 2018

Attached please find the five-year capital improvement plan for FY 19 – 23. We began an annual CIP after I arrived as part of the budgeting process. It is difficult to make major financial decision unless you are aware of what other impacts you are likely to face in the short and long term. This will especially prove important as we weigh some large capital projects in the next five years.

There are three major capital expenses (over \$1.0 million) in the next five years. These include the reconstruction of a portion of Ocean Avenue, the replacement of the Cape Porpoise Pier and a possible Town Office/Fire Department project.

The Ocean Avenue project was originally identified a few years ago as part of a study by Woodward and Curran engineers. The portion of Ocean Avenue between Nonantum Hotel and Glen Creek Bridge is constructed on top of a seawall. The wall needs to be replaced in order to maintain the integrity of the road. Mike Claus hired Woodward and Curran to review the current status of the wall, redesign improvements to limit impacts on abutting homes and businesses and update the construction costs. The proposed project is \$1.1 million. Due to its current condition we are proposing the project be funded in FY 19, and this would likely be a bond project.

Over the past couple of years we have seen a continued degradation to the infrastructure under Cape Porpoise Pier. In FY 18 we budgeted funds to perform geotechnical and survey work to better understand the best course of action. In preparation for the FY 19 budget we have asked Baker Design Consultants to develop a cost estimate for the necessary replacement and repairs in Cape Porpoise. The current estimate is just shy of \$1.5 million, and we are currently looking at a construction in FY 21 in order to access State grant funds.

The last large project for consideration is a Town Hall/Fire Station project. This one is further down the road than the previous two; however, I can foresee that the current Town Hall will need replacement, if for no other reason than a

lack of parking for staff and the public. We also are examining the current fire station locations and equipment usage. As we scrutinize the future needs of the Fire Department we may find that alternate locations and buildings are needed to meet the demands of future service.

The Wastewater Department and Fire Department have made some changes to the 5-year plan from last year. The biggest changes in Fire are relative to the reduction in Fire Vehicles and the lengthening of the replacement date for each vehicle. We are also seeing the introduction of an increased reserve account for Fire SCBA replacements as they will reach the end of their life cycle in 2026. The new Fire Chief will of course revise this in the next year and provide their own personal input into the plan.

I look forward to discussing these projects with you on the 8th and look forward to your feedback.

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
<u>Administration</u>							
Review of Town Zoning and Land Use	Admin	\$ 20,000					
Town Office Pavement Restoration	Bldg/Facilities	\$ 19,000					
Community Survey	Admin	\$ 5,000					
Records Preservation	Admin	\$ 5,000					
Records Preservation	Admin		\$ 5,000				
Document Management System	Equipment			\$ 50,000			
Records Preservation	Admin			\$ 5,000			
Records Preservation	Admin				\$ 5,000		
Records Preservation	Admin					\$ 5,000	
Town Office Building Project	Bldg/Facilities					\$ 1,000,000	
Replace 2017 Codes Vehicle	Equipment						\$ 30,000
Records Preservation	Admin						\$ 200,000
Town Office Building Renovations	Bldg/Facilities						\$ 100,000
subtotal - Administration		\$ 49,000	\$ 5,000	\$ 55,000	\$ 5,000	\$ 1,005,000	\$ 330,000
<u>Communications</u>							
Replace Building Cooling System	Bldg/Facilities			\$ 30,000			\$ 20,000
Boiler Replacement	Bldg/Facilities						
subtotal - Communications		\$ -	\$ -	\$ 30,000	\$ -	\$ -	\$ 20,000
<u>Dock Square</u>							
Parking Lot Pavement Restoration	Infrastructure	\$ 30,000					
Union Square enhancements	Infrastructure	\$ 25,000					
Replace sidewalks / healing maintenance East Side (bridge to	Infrastructure		\$ 87,000				
Sidewalk replacement on West side of Dock square	infrastructure		\$ 26,500				
Wayfinding signs for Downtown	Bldg/Facilities						\$ 25,000
subtotal - Dock Square		\$ 55,000	\$ 113,500	\$ -	\$ -	\$ -	\$ 25,000

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
<u>Fire</u>							
Firefighter PPE	Equipment	\$ 17,000					
SCBA replacement and air bottles	Equipment	\$ 36,045					
North Street Renovations - Chief's Office	Bldg/Facilities	\$ 14,500					
Wildes Dist, Fire Station - Door Safety Devices	Bldg/Facilities	\$ 14,000					
Firefighter PPE	Equipment		\$ 17,000				
Radio equipment	Equipment		\$ 5,000				
SCBA replacement and air bottles	Equipment		\$ 42,608				
Firefighter PPE	Equipment			\$ 17,000			
Radio equipment	Equipment			\$ 5,000			
SCBA replacement and air bottles	Equipment			\$ 43,932			
Replace base station, antenna & cable	Equipment			\$ 18,000			
SCBA replacement and air bottles	Equipment				\$ 44,168		
Radio equipment	Equipment				\$ 10,500		
Firefighter PPE	Equipment				\$ 17,000		
SCBA replacement and air bottles	Equipment					\$ 44,412	
Firefighter PPE	Equipment					\$ 17,000	
SCBA replacement and air bottles	Equipment					\$ 60,000	
Replace Brush 35 1980 GMC	Equipment						\$ 635,000
Replace Engine 12 - PV REPLACE (2027)	Equipment						\$ 60,000
Replace Brush 15 1984 GMC (2028)	Equipment						\$ 150,000
Replace Squad 11 REPLACE (2031)	Equipment						\$ 900,000
Engine 23 REPLACE (2034)	Equipment						\$ 300,000
Replace Tank 1 - GRB REPLACE (2038)	Equipment						\$ 1,500,000
Replace Ladder 34 - GRB REPLACE (2039)	Equipment						\$ 18,000
Rigid Inflatable Boat/engine/trailer - GRB	Equipment						\$ 18,000
Rigid Inflatable Boat/engine/trailer - WD	Equipment						\$ 190,000
SCBA Air Packs (29)	Equipment						\$ 7,500
Generator - WD	Equipment						\$ 20,000
Generator - Village	Equipment						\$ 80,000
Hydraulic rescue tool	Equipment						\$ 700,000
Village Fire Station	Bldg/Facilities						\$ 250,000
Wildes Dist, Fire Station	Bldg/Facilities						\$ 4,828,500
subtotal - Fire		\$ 81,545	\$ 64,608	\$ 83,932	\$ 71,668	\$ 121,412	\$

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
<u>Parks and Recreation</u>							
Improvements to Parson's Field	Infrastructure	\$ 10,000					
Parks and Recreation Building Furniture and Fixtures	Bldg/Facilities	\$ 50,000					
Sledding Hill	Bldg/Facilities	\$ 10,000					
Community Survey	Admin		\$ 5,000				
Improvements to Cape Porpoise Park and Rotary Parks	Infrastructure		\$ 17,500				
Resurface Tennis Courts	Infrastructure			\$ 50,000			
Replacement mower	Equipment			\$ 10,000			
Trail Development	Infrastructure				\$ 10,000		
Trail Development	Infrastructure					\$ 10,000	\$ 300,000
Future Parks and Recreation Addition	Bldg/Facilities						\$ 60,000
Replace 2016 Bus	Equipment						\$ 100,000
Public Boat Access	Infrastructure						\$ 460,000
	subtotal - Parks and Recreation	\$ 70,000	\$ 22,500	\$ 60,000	\$ 10,000	\$ 10,000	
<u>Piers</u>							
<u>Cape Porpoise</u>							
#4 Hoist Replacement	Bldg/Facilities	\$ 5,000					
Pier Design and Permitting	Bldg/Facilities	\$ 100,000					
Float Replacement	Bldg/Facilities		\$ 5,000				
Pier Repairs	Bldg/Facilities			\$ 1,500,000			
#2 Hoist Replacement	Equipment			\$ 5,000			
Punt Float Pylons	Bldg/Facilities			\$ 10,000			
#3 Hoist Replacement	Equipment			\$ 5,000			
#2 Hoist Replacement	Equipment				\$ 5,000		
Replace Fuel Tanks	Bldg/Facilities					\$ 100,000	\$ 5,000
#1 Hoist Replacement	Equipment						\$ 5,000
Fuel Pumps	Bldg/Facilities						\$ 100,000
Harbormaster Boat	Equipment						\$ 1,200,000
Cape Porpoise Pier	Bldg/Facilities						

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
Government Wharf							
Replace Coolers	Bldg/Facilities						\$ 25,000
Government Wharf Maintenance Dredge	Infrastructure						\$ 50,000
subtotal - Piers		\$ 105,000	\$ 5,000	\$ 1,520,000	\$ 5,000	\$ 100,000	\$ 1,385,000
Police							
Replace 2015 Cruiser	Equipment	\$ 30,500					
Replace 2016 Cruiser & Travel Car	Equipment		\$ 61,000				
Replace 3 work stations	Equipment		\$ 15,000				
Replace 2XXX Cruiser (2)	Equipment			\$ 62,500			
HVAC replacement inside PD	Equipment			\$ 35,000			
Replace 2XXX Cruiser	Equipment				\$ 31,000		
Replace 2XXX Cruiser	Equipment					\$ 31,500	
Replace 2XXX Cruiser (2)	Equipment						\$ 62,000
Replace 2XXX Cruiser	Equipment						\$ 31,000
Replace 2XXX Cruiser (2)	Equipment						\$ 62,000
Replace 2XXX Cruiser	Equipment						\$ 31,000
Replace 2XXX Cruiser (2)	Equipment						\$ 62,000
subtotal - Police		\$ 30,500	\$ 76,000	\$ 97,500	\$ 31,000	\$ 31,500	\$ 248,000
Public Works							
Replace 2007 Trackless	Equipment	\$ 175,000					
Replace 2006 Ford F350 4x4	Equipment	\$ 42,000					
Repair and reconstruct roads	Infrastructure	\$ 717,000					
Repair and construct sidewalks.	Infrastructure	\$ 93,000					
Replace Keegard fueling system	Equipment	\$ 12,000					
Repair and reconstruct roads	Infrastructure		\$ 439,000				
Repair and construct sidewalks.	Infrastructure		\$ 41,000				
Replace Fuel Pumps	Equipment		\$ 10,000				
Replace 2006 Ford Ranger	Equipment		\$ 35,000				
Replace 2005 Z Trac JDF687	Equipment		\$ 12,000				
Replace 2011 International	Equipment			\$ 170,000			
Replace 2009 Ford F350	Equipment			\$ 45,000			

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
Repair and reconstruct roads	Infrastructure			\$ 573,000			
Repair and reconstruct sidewalks.	Infrastructure			\$ 84,000			
Repair and reconstruct roads	Infrastructure				\$ 327,000		
Repair and reconstruct sidewalks.	Infrastructure				\$ 67,000		
Replace 2004 International Tandem	Equipment					\$ 225,000	
Repair and reconstruct roads	Infrastructure					\$ 207,900	
Replace 2012 International	Equipment						\$ 170,000
Replace 2021 International	Equipment						\$ 170,000
Replace 2017 Titan 5000 Line Striper	Equipment						\$ 9,000
Repair and reconstruct roads	Infrastructure						\$ 411,330
Repair and reconstruct sidewalks.	Infrastructure						\$ 29,106
Repair and reconstruct roads	Infrastructure						\$ 182,346
Repair and reconstruct roads	Infrastructure						\$ 391,200
Repair and reconstruct sidewalks.	Infrastructure						\$ 10,915
Repair and reconstruct roads	Infrastructure						\$ 100,242
Replace 2015 International	Equipment						\$ 170,000
Repair and reconstruct roads	Infrastructure						\$ 98,103
Replace 2013 JD Loader	Equipment						\$ 160,000
Replace 2020 Ford Ranger	Equipment						\$ 35,000
subtotal - Public Works		\$ 1,039,000	\$ 537,000	\$ 872,000	\$ 394,000	\$ 432,900	\$ 1,937,242

Special Projects

Ocean Avenue reconstruction / River Club	Infrastructure	\$ 1,100,000					
Dock Sq Granite Support Wall Engineering Study	Infrastructure		\$ 50,000				
Pier Road Reconstruction	Infrastructure						\$ 800,000
subtotal - Special Projects		\$ 1,100,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 800,000

Wastewater

Grinder Pump Replacement	Equipment	\$ 25,000					
Replace Generator Pump Station #12	Equipment	\$ 20,000					
Replace Compost Building Sidewalls	Equipment	\$ 30,000					
Replace 6 Smith & Loveless Wet Well Hatches	Equipment	\$ 10,000					
Gas Detector and Docking Station	Equipment	\$ 5,000					

Capital Improvement Program

Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
Replace Kohler Portable Generator	Equipment		\$ 38,000				
Grinder Pump Replacement	Equipment		\$ 25,000				
Upgrade South Main St Pump Station	Equipment		\$ 200,000				
Axial Flow Pumps (2) (2011)	Equipment			\$ 85,000			
Submersible Mixer (2) (2011)	Equipment			\$ 71,000			
Grinder Pump Replacement	Equipment			\$ 25,000			
Grinder Pump Replacement	Equipment				\$ 25,000		
Replace 2004 JD Loader	Equipment				\$ 120,000		
Replace 2006 Jetter	Equipment				\$ 60,000		
Replace 2013 Ser. Truck	Equipment				\$ 35,000		
Replace 2008 Crane	Equipment				\$ 10,000		
Huber fine screen #101 2011	Equipment						\$ 125,000
Huber fine screen #102 2011	Equipment						\$ 125,000
Return Sludge Pump #1 2011	Equipment						\$ 4,000
Return Sludge Pump #2 2011	Equipment						\$ 4,000
Return Sludge Pump #3 2011	Equipment						\$ 4,000
Grinder Pump Replacement	Equipment						\$ 25,000
Replace Generator @ Green St. Pump Station #3 (2000)	Equipment						\$ 20,000
Replace Generator @ Chicks Cr. Pump Station #4 (2001)	Equipment						\$ 20,000
Replace Generator @ Paddy Cr. Pump Station #9 (2011)	Equipment						\$ 25,000
Replace Generator @ Cape Porpoise Pump Station #10 (2011)	Equipment						\$ 25,000
Replace Generator @ Wilds Dist. Pump Station #8 (2013)	Equipment						\$ 30,000
Replace Generator @ Mill Lane Pump Station #2 (2014)	Equipment						\$ 30,000
Replace Magnum Portable Generator (2010)	Equipment						\$ 45,000
Replace Filler Press (2)	Equipment						\$ 250,000
Replace Mills Lane Pump Station #2	Infrastructure						\$ 250,000
Replace Ocean Ave. Pump Station #6	Infrastructure						\$ 250,000
Replace Turbats Creek Pump Station #7	Infrastructure						\$ 250,000
Replace Wildes Rd. Pump Station #8	Infrastructure						\$ 250,000
Replace Paddy Creek Pump Station #9	Infrastructure						\$ 250,000
Replace Cape Porpoise Pump Station #10	Infrastructure						\$ 250,000
Replace Mills Rd. Pump Station #11	Infrastructure						\$ 250,000
Replace Kings Highway Pump Station #12	Equipment						\$ 50,000
Replace Kings Lane Pump Station #13	Equipment						\$ 40,000
Replace Kings Highway (West) Pump Station #14	Equipment						\$ 25,000

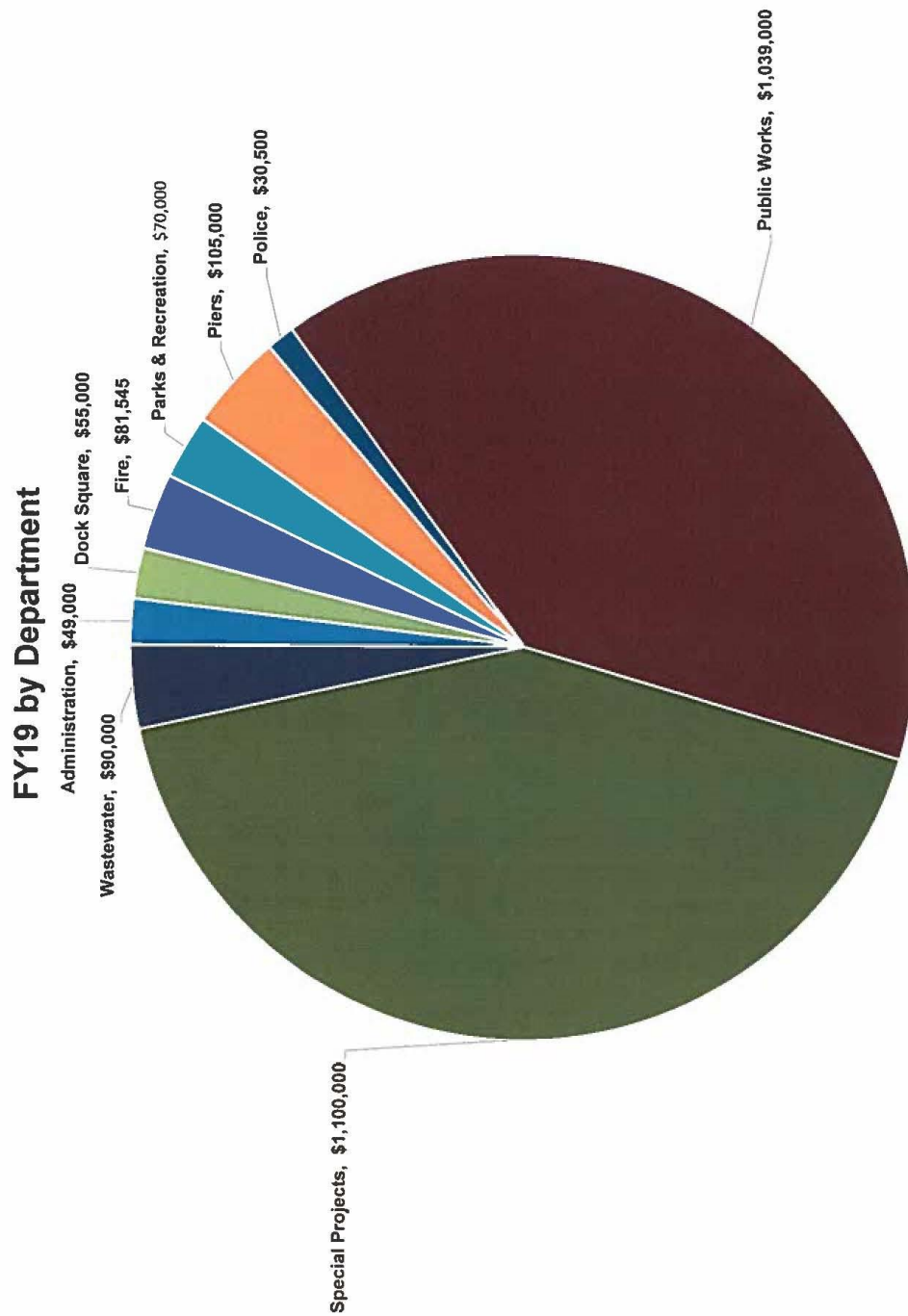
Capital Improvement Program

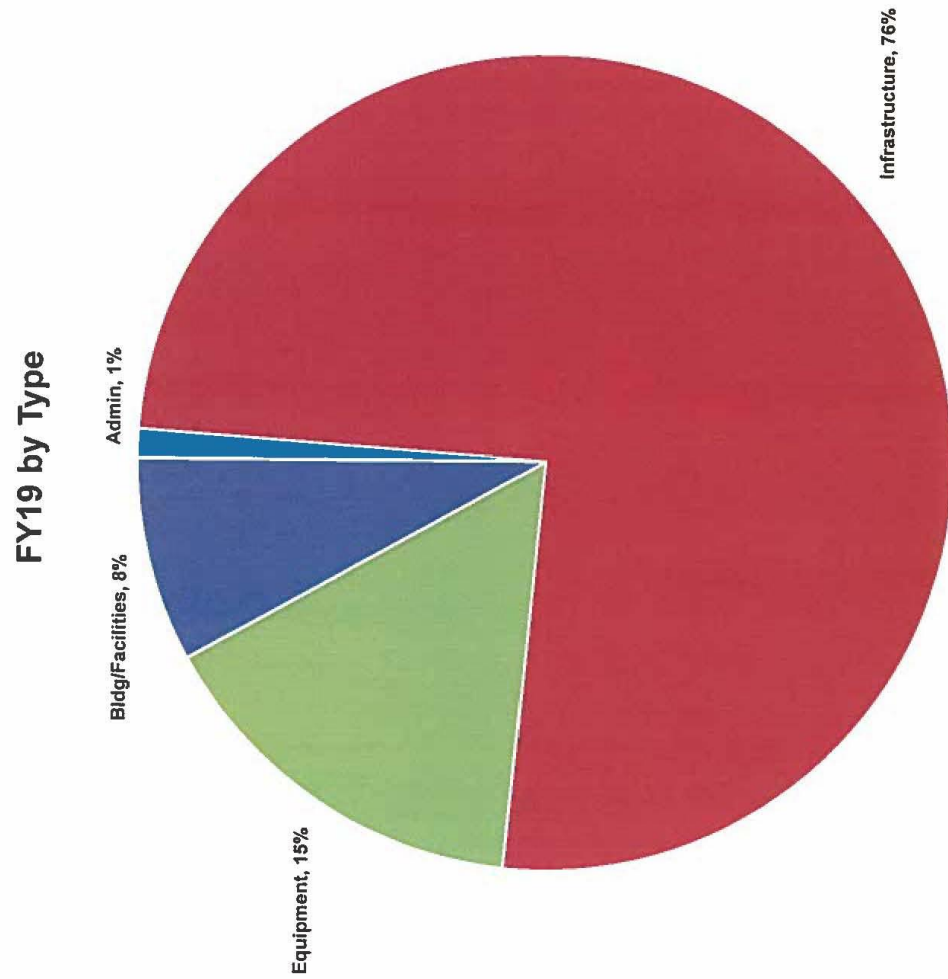
Department	Type	FY 19	FY 20	FY 21	FY 22	FY 23	Future
Replace Prescott Drive Pump Station #15	Infrastructure						\$ 15,000
Replace Washington Court Pump Station #16	Infrastructure						\$ 20,000
Replace Wakefield Pasture Pump Station	Infrastructure						\$ 20,000
Replace 4.3 miles 1972 Sewer Lines	Infrastructure						\$ 6,000,000
subtotal - Wastewater		\$ 90,000	\$ 263,000	\$ 181,000	\$ 205,000	\$ 45,000	\$ 8,652,000

Road Name	Road Length (in miles)	Road Width	Sewered	2019	2020	2021	2022	2023
Acacia Road	0.089	18	Yes					
Arlington Street	0.176	20	Yes					
Arundel Road - North Street to GRB	2.226	22	No					
Arundel Road - River Road to North Street	0.503	22	No					
Atlantic Avenue	0.037	20	Yes					
Bailey Court	0.189	20	No					
Bartlett Avenue	0.077	20	Yes					
Beachwood Avenue	2.400	20	No	\$12,128				\$207,900
Beacon Avenue	0.140	20	No					
Belair Avenue	0.111	18	Yes					
Bellevue Avenue	0.022	16	Yes					
Bellewood Avenue	0.064	18	Yes					
Belvidere Avenue	0.116	18	Yes					
Birch Court	0.090	18	Yes		\$3,032			
Broadway Avenue	0.050	14	Yes					
Central Avenue	0.104	20	Yes					
Chestnut Street	0.084	30	Yes	\$18,300				
Church Street	0.128	26	Yes					
Clover Leaf Farm Road	0.097	16	No					
Community House Road	0.226	18	Yes					
Community House Way	0.100	18	Yes					
Crescent Avenue	0.175	16	Yes					
Cross Street	0.041	24	No					
Dorrance Road	0.090	14	Yes		\$5,457			
Dyke Road	0.660	22	Yes					
East Avenue	0.176	18	Yes					
Edgewood Avenue	0.116	18	Yes				\$9,044	
Fel Bridge Lane	0.084	16	Yes	\$5,821				
Elm Street	0.122	20	Yes					
Fairfield Hill Road	0.300	20	No		\$10,568	\$1,000		
Fishers Lane	0.146	18	Yes			\$11,383		
Goose Rocks Road	4.000	22	No					
Grandview Avenue	0.133	22	Yes			\$12,673		
Gravelly Brook Road	0.700	18	No			\$4,000		
Greene Street	0.125	24	Yes	\$12,994				
Guinea Road - Biddeford Line to Whitten Hill Road	0.798	22	No					
Guinea Road - Goose Rocks Road to Whitten Hill Road	1.039	22	No	\$99,004				
Haverhill Avenue	0.144	16	Yes	\$9,979				
Hayward Avenue	0.053	14	Yes		\$3,214			
High Point Drive	0.246	20	Yes					
High Street	0.048	18	Yes					
Jefferys Way	0.057	18	Yes					
Josiah Curtis Lane	0.039	20	Yes		\$34,000	\$3,742		
Kings Highway - Batsons Creek to Sand Point Road	1.657	24	Yes					
Colony Ave	0.151	20	Yes	\$13,080		\$172,245		
Kings Highway - Sand Point Road to Little River	0.180	22	Yes				\$17,152	
Lansford Road	0.571	18	Yes					
Locke Street	0.174	16	Yes					
Magnolia Drive	0.220	16	Yes	\$15,246	\$65,904			
Main Street	0.634	24	Yes					

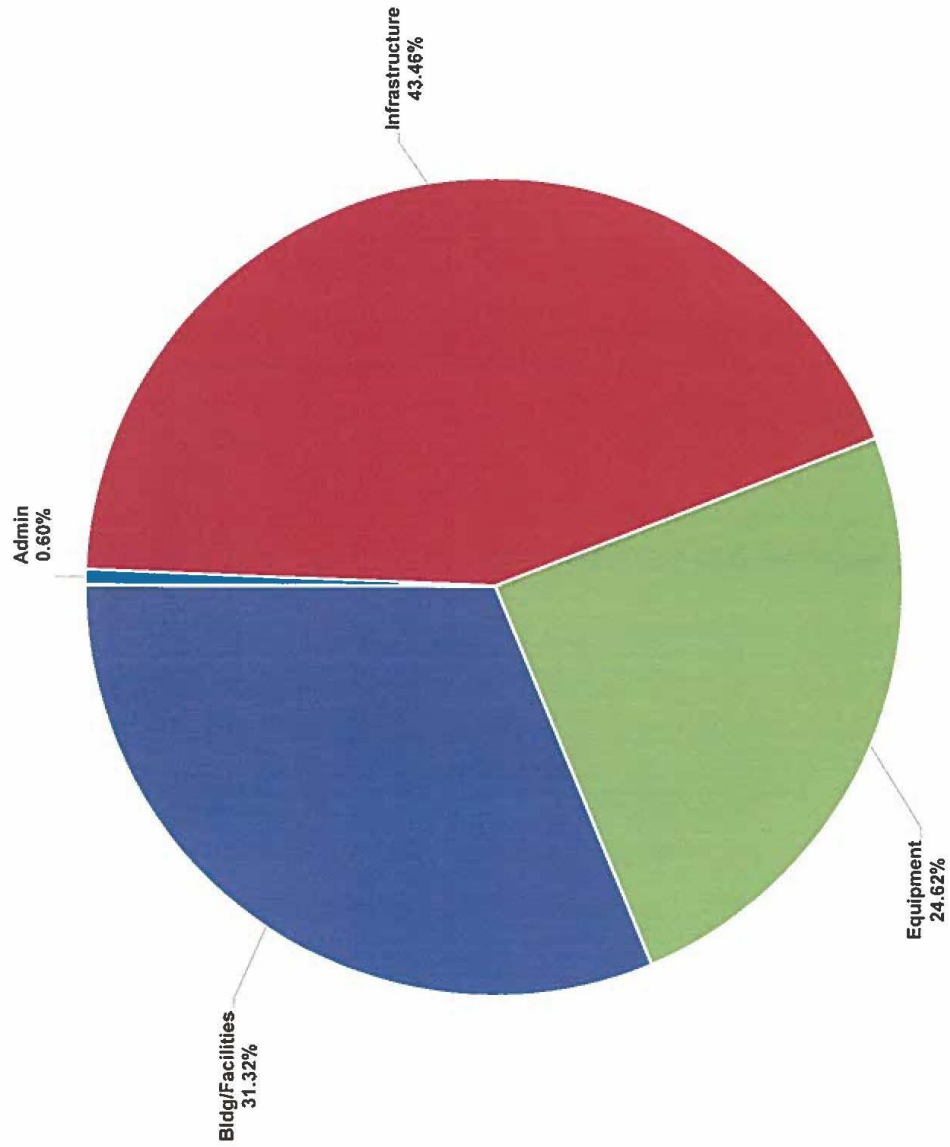
Road Name	Road Length (in miles)	Road Width	Sewered	2019	2020	2021	2022	2023
Maine Street - North Street to School Street	0.253	30	Yes					
Maine Street - Wildes District Road to School Street	0.340	22	Yes					
Spruce Lane (Formerly Mapleview Avenue)	0.163	20	No					
Mast Cove Lane	0.050	18	Yes			\$3,898		
Meserves Lane	0.076	14	Yes					
Mill Lane	0.044	16	Yes	\$3,049				
Mills Road - Beachwood Avenue to Biddeford Line	2.673	24	Yes	\$321,860				
Mills Road - Main Street to Beachwood Avenue	1.680	24	Yes					
Mount Kinco Road	0.424	18	No					
New Biddeford Road	0.867	26	Yes					
North Street	1.420	24	Yes	\$233,400				
Northwood Drive	0.698	18	No					
Norwood Lane	0.059	16	Yes			\$4,089		
Oak Ridge Road	1.669	22	No					
Oak Street	0.170	16	Yes					
Ocean Avenue - Chicks Creek Bridge to Kings Highway	0.449	24	Yes					
Ocean Avenue - Kings Highway to Wamby	1.261	24	Yes					
Ocean Avenue - Spring Street to Chicks Creek Bridge	0.520	22	Yes					
Ocean Avenue - Wamby to Turbats Creek Road	0.930	22	Yes					
Old Cape Road	1.228	22	No					
Old Port Avenue	0.149	20	Yes	\$6,930				
Paddy Creek Hill Road	0.100	16	Yes	\$6,930				
Paddy Creek Road	0.100	16	Yes					
Pearl Street	0.121	24	Yes		\$12,578			
Pier Road	0.644	22	Yes				\$61,365	
Pleasant Street	0.125	18	Yes	\$9,745				
Port Farm Road	0.100	20	Yes	\$8,663				
Proctor Avenue	0.090	18	Yes					
River Road	0.613	22	No			\$58,411		
Saddle Way	0.070	20	Yes					
School Street	1.400	24	Yes					
Sherwood Drive	0.100	20	Yes					
South Main Street	0.726	22	Yes					
South Street	0.068	18	Yes		\$69,179			
Spouting Rock Avenue	0.050	12	No		\$6,301			
Spring Street	0.151	28	Yes			\$5,569		
Squier Lane	0.248	24	No				\$18,313	
Stone Road	0.978	22	No				\$25,780	
Stonewood Lane	0.131	22	No					
Summit Avenue	0.248	20	Yes					
Temple Street	0.058	30	Yes	\$7,536				
Towne Street	0.146	18	Yes					
Turbats Creek Road	0.700	18	Yes					
Union Street	0.089	20	Yes	\$7,710				
Wakefield Pasture Road	0.200	18	Yes					
Walkers Lane	0.329	22	No			\$15,593		
Ward Road	0.274	20	Yes				\$31,350	
Washington Court	0.141	28	Yes	\$17,100				
Wesmore Circle	0.100	14	Yes					
West Street	0.086	16	Yes					

Road Name	Road Length (in miles)	Road Width	Sewered	2019	2020	2021	2022	2023
Whitten Hill Road	1.367	22	No		\$230,300	\$267,400	\$230,000	
Wildes District Road	1.800	18	Yes					
Wildwood Avenue	0.347	18	Yes			\$39,544		
Willey Road	0.415	22	No					
Windemere Drive	0.100	18	No					
Winslow Lane	0.120	20	Yes					
Winter Harbor Road	0.600	22	No			\$57,173		
Woodlawn Avenue	0.200	20	Yes					
Sidewalks and Paved Shoulders				\$92,736	\$40,952	\$83,412	\$66,705	\$0
Road Reconstruction and/or Paving				\$717,014	\$438,582	\$573,307	\$326,297	\$207,900
Total	48.166			\$809,750	\$479,534	\$656,719	\$393,002	\$207,900





Five Year Plan by Type - FY 19 - FY 23



Five Year Plan by Dept. - FY 19- FY 23

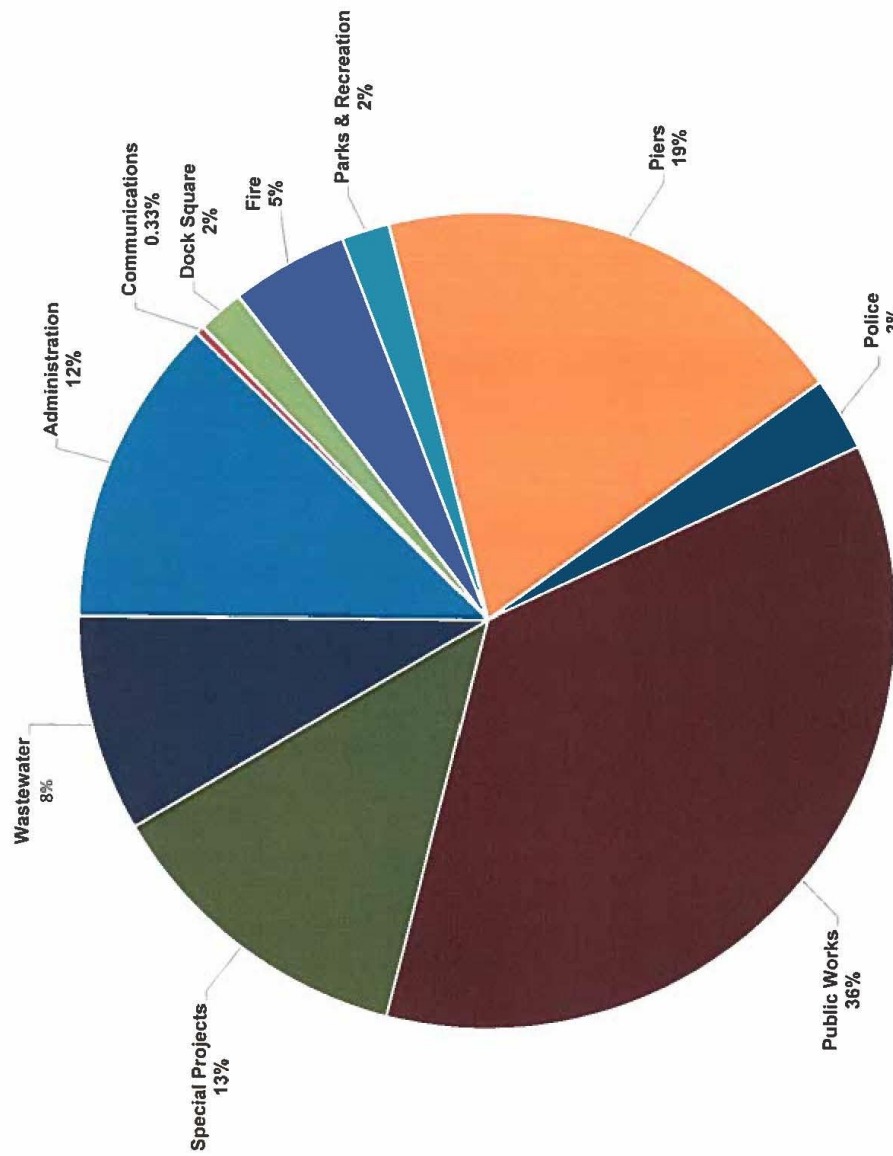


Exhibit B – February 8, 2018



TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE

PURPOSE: The purpose of this ordinance is to provide each street, road and way (hereinafter referred to as street) both public and private, with one official and approved name and all residences and businesses thereon assigned numbers that will enable quick, easy identification and location of same by police, fire, emergency medical personnel and mercantile delivery services, as well as the U. S. Postal Service address. Use of a Post Office Box for mail delivery does not defeat the purpose of this Ordinance.

ARTICLE I - AUTHORITY

This Ordinance is adopted pursuant to, and consistent with, the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A, M.R.S.A. Section 3001. Date of Adoption: January 9, 1997. **Amended:**

ARTICLE II – NAMING SYSTEM

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:

1. No two roads shall be given the same name (ex. Pine Road and Pine Lane)
2. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
3. Each road shall have the same name throughout its entire length.

PRIVATELY OWNED STREETS

All privately owned streets serving two or more properties shall be named, either by the developer or abutting property owners. A developer, sub-dividing property owner or abutting property owners shall submit proposed street names with the development or sub-dividing plan, the proposed street names will be reviewed by the public safety committee, in accordance with Article 2 of this ordinance.

ARTICLE II – PUBLIC STREETS

~~All public streets shall be named; duplication and confusing similarities shall be avoided. Use of a different type of way, i.e., Avenue, Lane, Court, etc., with the same name will be considered a duplication. Also, like sounding names with a different spelling will be considered a confusing similarity.~~

Updated: February 5, 2018

TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE CONT'D

ARTICLE III - PRIVATELY OWNED STREETS

All privately owned streets serving two (2) or more properties shall be named, either by the developer or abutting property owners. A developer, sub-dividing property owner or abutting property owners shall submit proposed street names with the development or sub-dividing plan. Propriety owners on existing un-named streets shall submit name requests to the appropriate official(s) as designated in Article V of this Ordinance within thirty (30) days after enactment of this Ordinance. The proposed names shall be reviewed by said official(s). If the proposed names are unacceptable, the submitter(s) will be requested to choose different names. All private streets remaining un-named after sixty (60) days of enactment of this Ordinance, shall be named by the appropriate official(s) as designated in Article V of this Ordinance.

ARTICLE IV III- STREET NUMBERING

The following criteria shall govern the numbering system:

1. 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. Existing street numbers assigned on the 100' interval may be renumbered for public safety response improvement as determined by the Street Addressing Officer.
2. Streets will be defined as "running from" one street "to" another street, dead end or Town line. The "from" end will be known as the "origin" of the street, the "to" end will be the "terminus". The numbering shall start at the origin of a street, with odd numbers on the right and even numbers on the left, in ascending order to the terminus of the street. Four (4) streets, River Road, Woodlawn Avenue, Arbor Ledge Drive and Poets Lane, have odd numbers on the left and even on the right are grandfathered.
3. The number assigned to each structure shall be that of the numbered interval falling closest to the driveway of said structure if the front door cannot be seen from the main road. For structures situated on a corner of 2 streets, the structure will be numbered based on a site review by the Street Addressing Officer. The Street Addressing Officer has the authority to assign a new address based on the street used for public safety access to a structure.
4. Every structure with more than one principle occupancy shall have a separate number for each 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.
5. (Existing) Condominium complexes will be numbered from the access point, and assigned unit #'s., such as 272 Mills Road, Unit 1F, regardless of the size of the complex
6. Any new subdivision, approved by the planning board, will have all interior roads named as part of the application/plan process. In the case of the subdivision with condominium units, they will be numbered/addressed on the road as either a single structure or duplex.
7. An "in-home" business will have the same street number as the residence.

Updated: February 5, 2018

TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE CONT'D

1. All residences and businesses shall have a number assigned by the official(s) designated in Article V of this Ordinance. Numbers shall be assigned in anticipation of future growth and in crease in density in order to avoid numbers with alphabetical or other suffixes such as, 31A or 31B, or 31 Front and 31 Rear. The rule of thumb will be one number (each side) for each one hundred (100) feet of street. Two (2) adjacent residences/businesses fronting on the same street, may share a common driveway. However, the driveway will be assigned a sequential (odd or even) street number.
2. An "in home" business will have the same street number as the residence.
3. Streets will be defined as "running from" one street "to" another street, dead end or Town line. The "from" end will be known as the "origin" of the street, the "to" end will be the "terminus". The numbering shall start at the origin of a street, with odd numbers on the right and even numbers on the left, in ascending order to the terminus of the street. Two (2) Three (3) streets, River Road Woodlawn Avenue and Poets Lane, have odd numbers on the left and even on the right and are grandfathered.
4. Multiple Two (2) family residences shall have a number for each unit. Apartment houses shall have a number for each front entryway with apartment numbers for each apartment accessed from that entryway.
5. Each business unit shall have a unique number even if housed within the same building.
6. All residences, businesses and other properties assigned a street number shall exhibit that number on or near the main front entrance of the building. If that entrance does not face the street to which the number is assigned, it shall be exhibited on the corner of the building nearest the main entrance and facing the street to which it applies. The number shall be a minimum of four (4) inches in height if placed within fifty (50) feet from the street and six (6) inches high if over fifty (50) feet from the street. If the building is over one hundred (100) feet from the street, or not readily visible from the street, the number shall be displayed on a post, monument or other structure next to the driveway where it enters the street. For residences/businesses receiving mail by means of a rural delivery box, the number on the box or support post will suffice provided it: 1) is located on the street to which the number is assigned; 2) is adjacent to, or directly opposite from, the driveway or front walkway to that residence/business; 3) has numbers a minimum of two (2) inches high; 4) is places on (A) both sides of the box; or, (B) on the front of the box; or, (C) on the post, above the box and facing the street. All numbers shall be of a contrasting color to their background so as to be easily recognizable. All buildings shall have their assigned number(s) affixed as delineated above no later than six (6) months after adoption of this Ordinance.

ARTICLE IV – COMPLIANCE

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

Updated: February 5, 2018

TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE CONT'D

1. 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 near the front door or entry.
2. 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.
3. 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.
4. 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.
5. The Code Enforcement Officer of the Town of Kennebunkport shall be responsible for administering and enforcing this article. Owners of properties failing to exhibit their assigned number(s) in accordance with section 6 of this Article shall be notified by certified mail, using the current address to which the real estate tax assessment is mailed. Such notice shall include a copy of this Ordinance, without Appendices, and advise that the owner is in default of this Ordinance and that a fine of twenty-five (\$25.00) dollars will be assessed to the property if compliance is not accomplished within forty-five (45) days of the date of the mailing of the certified letter. Additionally, a fine of one (1) dollar will be assessed for each day after the forty-fifth (45th) day that the owner remains in non-compliance. It shall be the owner's responsibility to have compliance verified by the appropriate official(s) after notification of default. Any person who, after being notified of a violation of this article by the Code Enforcement Officer and ordered to correct the violation, fails to comply with any of the provisions of this article within 15 days of written notice shall be liable for civil penalties in the amount of \$100.
6. All monies, if any, collected in accordance with Section 7 5 above will be used to administer this Ordinance. At the Annual Town Meeting, the balance, if any, at the end of the fiscal year shall either be re-appropriated to this account or designated as un-appropriated surplus.

ARTICLE V – RESPONSIBILITY

1. The Board of Selectmen, hereinafter referred to as "The Board", shall be responsible for approving the naming and numbering of streets. The Board may assign or delegate the approval process to another Town Official or committee such as the Fire Administrator, Chief of Police or an appointed committee of no more than three (3) members. the Addressing Office, who will utilize the Public Safety Committee to review new requests for naming streets prior to notification of requesting individuals.

TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE CONT'D

2. If the Board delegates the responsibility to another official or committee, the Town Manager will rule on the first appeal and, if not resolved, the Board shall hear a final appeal. All appeals shall be filed within thirty (30) days of the denial and ruled upon within thirty (30) days of filing the appeal.

ARTICLE VI - ADDITIONAL REQUIREMENTS

1. All named streets shall have a signpost erected at each end thereof, except that a dead end street will not require one on the dead end. A cul-de-sac or other turn around will be considered a dead end. All signs shall be of a uniform size, lettering and color as designated by the Town Manager.
2. Costs for erecting signs for all streets within a private development will be borne by the developer.
3. Appendix I of this Ordinance shall be a complete list of all streets in the Town of Kennebunkport as of the date of enactment of this Ordinance. Said list will contain a brief description, locating the street by reference to the origin and terminus of the street, list all intersecting streets and the point of intersection. Appendix I will also be maintained current with a record of changes/additions thereto and the date of the change/addition. ~~Appendix I will also be maintained on the Fire Computer located in the Police/Fire/EMS dispatching center.~~
- ~~4. A street will not be designated as an extension of another street. Any extension of an existing street on the highest numbered end will have the name of the street being extended and assigned sequential numbers, otherwise it will be given a new name.~~
- ~~5. There shall be no numerical names such as First Street, or alphabetical names such as "A" street. A street name shall not be preceded or appended by a compass direction.~~
4. Any circumstance, situation or question determined to not be covered in this Ordinance, shall be resolved by the Board and that resolution made part of this Ordinance.

ARTICLE VII - NAME CHANGES

1. Except for the purpose of removing existing duplications and similarities, it is the intent of this Ordinance that a street not have its name changed. However, if a two-thirds majority of the residents and property owners on that street provide a compelling reason and petition the Board for a name change, the Board shall deliberate the request and render their decision no later than two (2) months after the first meeting held after receipt of the request. The Board's decision may be to grant or deny the request, or, if the change has Town-wide significance, to present the request to the voters of the Town of Kennebunkport at a Town Meeting, either annual or special.
2. Existing duplications and similarities will be reviewed by the Board, if the Board decided that a name should be changed, the procedure for naming streets outlined in Article III shall be used as a guide.
3. If a name change is approved, the local postmaster or office will be advised and requested to provide a change-over period which will recognize both the old and the new address.

TOWN OF KENNEBUNKPORT, MAINE

STREET ORDINANCE CONT'D

GLOSSARY

ABBREVIATIONS

Ave. _____	Avenue	P. _____	Private
Blvd. _____	Boulevard	Rd. _____	Road
Btw. _____	Between	St. _____	Street
Ext. _____	Extension	T. _____	Town

DEFINITIONS

CUL-DE-SAC: A loop on the dead end of a street to provide a convenient turn around without encroaching upon private driveways.

DRIVEWAY: A vehicular access from a street to a residence or business.

SQUARE: A center of activity, usually business and usually the intersection of several streets. It also can be a memorial or historical plot. Residences and businesses located in a Square may be numbered as on the Square or on a street forming the Square.

STREET: Any way that provides vehicular access to two (2) or more residences, businesses or properties (existing or planned) or has the potential for same, whether public or private. It may be called an Alley, Avenue, Boulevard, Circle, Court, Drive, Lane, Parkway, Place, Road, Way, or other such descriptive title.

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.

TURN-AROUND: A bulbous end of a dead end street to facilitate a reversal of direction with a minimum of backing and filling usually made to accommodate automobiles not larger trucks.

APPENDICES

APPENDIX I: A list of all Kennebunkport streets, public and private (click to view).

APPENDIX II: Maps of Kennebunkport streets and index thereof.

APPENDIX III: Record of changes.

Exhibit C - February 8, 2018

**MEMO**

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Ordinance revisions in accordance with organization changes

Dt: February 5, 2018

The Town of Kennebunkport is considered a small town, both in its character and year-round population of about 3,500. However; the Town has a variety of full time services, sophisticated seasonal and year-round residents, and a seasonal population that tops over 12,000 people. Since our last budget process, I have spent considerable time reviewing our strengths, weaknesses, and service delivery models. We have also lost a valuable member of our team who led two departments and we need to examine how we will meet the challenges of the future. One of those will be the probable retirement of 12 out of the 47 full time employees within the next **five** years, which equates to 25% of our workforce.

As I plan for future Town operations, I see there are benefits to examining our current structure and deliberating the pros and cons of a change. Currently the Town Manager oversees 10 directors, often times creating a "spinning plate" management. We are currently without department directors in Wastewater and Fire and hence it is a good time to review structure. Flexibility and adaptability will be important in meeting service needs in the future while maximizing use of our current staff resources

My proposal is to reorganize the Harbormaster/Pier Manager position under the Police Department and combine Highway and Wastewater into one department under Public Works. Although there will be challenges, which I will address through the budget process I believe this structure meets the issues I outlined above.

In order to accomplish these structural changes there are some ordinance changes required in the administrative code, the cape porpoise pier ordinance and the wastewater ordinance.

ARTICLE II MUNICIPAL ADMINISTRATION

2.1 TOWN MANAGER

The Selectmen shall appoint a Town Manager who shall be responsible to them. In addition to such powers and duties as prescribed by statute for the Town Manager and such other responsibilities as specifically designed by the Board of Selectmen, the Town Manager shall:

- a. Act as the Chief Administrative and Executive Officer of the Town of Kennebunkport;
- b. Be responsible to the Board of Selectmen for the Administration of all departments and offices over which the Board has control;
- c. Execute all laws and ordinances of Kennebunkport;
- d. Serve in any office as the head of any department under the control of the Board of Selectmen when so directed by the Selectmen;
- e. Appoint, subject to confirmation by the Board of Selectmen, supervise and control heads of departments under control of the Selectmen when the department is not headed by the Town Manager under Paragraph d;
- f. Appoint, supervise and control all Town Officials which the Municipal Officers are required by statute to appoint, unless otherwise provided by ordinance ~~of this code~~ and except members of boards, commissions and committees; and appoint, supervise and control all other officials, including the Town Treasurer, the Road Commissioner and the Tax Collector, subordinates and assistants. The Town Manager may delegate this authority to a head of a department and report all appointments to the Board of Selectmen for confirmation;
- g. Act as purchasing agent of the Town as directed by the Selectmen;
- h. Attend all meetings of the Board of Selectmen, except during illness or vacation, or otherwise with prior approval of the Board of Selectmen;
- i. Attend municipal meetings and hearings as requested by the Board of Selectmen;
- j. Keep the Board of Selectmen informed as to the financial condition of the Town;

2.3 MUNICIPAL DEPARTMENTS

The municipal administration shall be divided into the following departments:

- 2.3.1 Administrative Department
 - Fire Department
 - Health Department
 - Parks & Recreation Department
 - Planning & Development Department
 - Police Department
 - Public Works Department
 - Town Clerk Department
 - ~~Wastewater Department~~

2.4 ELECTRONIC MAIL POLICY

Use of the electronic mail (e-mail) by members of any Kennebunkport Board or Committee should conform to the same standards of judgment, propriety and ethics as other forms of Board or Committee related communication. All Board and Committee members shall comply with the following guidelines when using e-mail in the conduct of Board or Committee business:

- a. Boards and Committees shall not use e-mail as a substitute for deliberations at meetings or for other communications or business properly confined to meetings.
- b. Board and Committee members should be aware that e-mail and e-mail attachments received or prepared for use in Board or Committee business or containing information relating to Board or Committee business are public records which may be inspected by any person upon request, unless made confidential by Maine's Right to Know Law (1 M. R. S. A., Section 401 et seq).
- c. Board or Committee members should avoid reference to confidential information about employees, personnel or other matters in e-mail communications because of the risk of improper disclosure. All Board and Committee members should comply with the same standards as Town employees with regard to confidential information.

3.5.3 Inspections

The Fire Inspectors shall maintain a list of all public buildings in the Town of Kennebunkport, shall inspect all such public buildings periodically and shall issue a permit of compliance in accordance with the statutes of the State of Maine and the ordinances of this Town. The Fire Inspector shall deny a permit when violations of such statutes or ordinances are found. The Fire Inspector shall submit to the Board of Selectmen copies of all permits and/or denials issued.

3.5.4 Authority

The Fire Inspector shall have the authority to close a building to public use when that building is found to be in violation of fire and safety regulations, laws, or statutes of the State of Maine, or the ordinances of the Town of Kennebunkport, when in the judgment of the Fire Inspector there is a danger to the public.

3.5.5 Fees and Compensation

The Town of Kennebunkport may charge a nominal fee to the owner of the building for such annual inspection. Such fees shall be made payable to the Town of Kennebunkport.

3.6 HARBOR MASTERS**3.6.1 Cape Porpoise Harbormaster**

The Board of Selectmen shall annually appoint a Harbormaster for Cape Porpoise Harbor. The Harbormaster shall report directly to, and be supervised by, the ~~Town-Manager~~ Police Chief, or his or her designee. The duties of the Cape Porpoise Harbormaster shall be the effective management of Cape Porpoise Harbor, Goose Rocks Beach and Turbat's Creek and for the enforcement of any municipal ordinance relating to harbors and any other duties specified by the Board of Selectmen or by Federal or State Statute. The Cape Porpoise Harbormaster may also serve as the Pier Manager upon appointment by the Town Manager.

3.6.2 Kennebunk River Harbormaster

The Harbormaster for the Kennebunk River is appointed annually by the Boards of Selectmen of Kennebunk and Kennebunkport. Certain duties and responsibilities of this office are prescribed by Title 38, M.R.S.A. The Harbormaster has the additional duty to administer and enforce the provisions of the Kennebunk River Committee Ordinance with the

5c

CAPE PORPOISE PIER ORDINANCE

1. **Preamble:** The Inhabitants of Kennebunkport having determined that the operation of a fish pier and public landing is a public purpose and having determined that such a facility is needed in Cape Porpoise Harbor for the convenience and economic well-being of the Inhabitants of the Town of Kennebunkport, enact this ordinance to be known as the "Cape Porpoise Fish Pier Ordinance".
2. **Definitions:**
 - a. **Cape Porpoise Pier:** "Cape Porpoise Pier" means the existing pier on Bickford's Island in Cape Porpoise and the related real estate, fixtures, personal property, easements and other rights belonging to the Town of Kennebunkport and any replacement, improvement, extension or modification of said premises and facilities made hereafter.
 - b. **Town:** "Town" means the Town of Kennebunkport organized and existing as a municipal corporation under the laws of the State of Maine.
3. **Purposes:** The Cape Porpoise Pier shall be managed by the municipal officers of the Town, or their designee, primarily as a public fish pier for the berthing, servicing, loading, offloading, repair and other needs of commercial fishing vessels. To the extent compatible with its primary use as a public fish pier, and to the extent permitted by agreements between the Town and the State of Maine, the pier shall also be available for use by other vessels, by residents of the Town, and by members of the general public.
4. **Fee structure:** After notice and public hearing, the municipal officers shall establish a reasonable schedule of fees for the use of the Cape Porpoise Pier, its related facilities, and for services provided at the pier. In establishing the schedule of fees, the municipal officers shall consider the value of the services provided, the costs to the Town for administration, maintenance, salaries, equipment, debt service and repairs to the pier, the expenses incurred by the Town for piers, docks and harbors and the amounts collected by the Town in personal property taxes on boats. Copies of the schedule of fees as established by the municipal officers shall be available at the municipal office during normal business hours and shall be posted in the vicinity of the Cape Porpoise Pier.
5. **Regulations:** After notice and public hearing the municipal officers are authorized to adopt regulations governing the rules of operation of the Cape Porpoise Pier which rules shall be designed to ensure its primary use as a fish pier, to prevent obstruction, overcrowding and unnecessary delays, to prevent

personal injury or damage to vessels or property, to maintain safe and healthful conditions, to prevent vandalism and theft of property, to establish reasonable limits on the hours of operation, to prevent disturbance of the peace, to ensure that fees established are collected, and to govern such other matters as may be necessary or useful to the management and operation of the pier.

6. **Authority to contract:** The municipal officers are authorized to contract on such terms and conditions as are in the best interest of the Town with private persons or corporations for the provision of services to fishermen, vessels, residents of the Town and members of the public using the Cape Porpoise Pier and to contract for the operation of food take-out, ship store, retail and wholesale, lobster pounds and other incidental businesses on the Cape Porpoise Pier facilities. Prior to entering into any such contract, the municipal officers shall give notice of their intention to enter into such a contract and shall afford interested persons a reasonable opportunity to submit proposals for consideration.
7. **Cape Porpoise Pier Account:** All fees, rents, leasehold payments or other sums collected by the Town in connection with the operation of the Cape Porpoise Pier shall be kept in a separate account to be known as the Cape Porpoise Pier Account. The funds in said account shall be used by the municipal officers to supplement any other sums appropriated by the Town for the costs association with the Caper Porpoise Pier, including without limitation, expenses for administration, salaries, debt service, maintenance, equipment and repairs. Funds remaining in the Cape Porpoise Pier Account at the end of the fiscal year shall not lapse and such funds shall not be transferred to other accounts unless by vote of the Town at a regular or special town meeting.
8. **Authority to Retain Pier Manager:** The municipal officers are authorized to contract with or employ a Pier Manager and such other personnel as may be necessary to the operation of the Cape Porpoise Pier on such terms and conditions as are in the best interest of the Town. The municipal officers may delegate to the Pier Manager responsibility for the management and operation of the Cape Porpoise Pier under the general direction and supervision of the ~~municipal officers~~ Police Chief, or his or her designees, provided that the municipal officers shall not delegate the authority to establish fees under Section 4, to adopt regulations under Section 5 or to enter into contracts under Section 6 of this ordinance.
9. **Penalties:** Whoever violates the provisions of this ordinance or any regulation or rule established under this ordinance shall be punished by a fine of not more than \$100 for each such occurrence. If any violation continues for a period longer than 24 hours, each day that it continues shall be deemed a separate violation subject to the penalty herein provided. The right of any person to use the Cape Porpoise Fish Pier may be suspended by the municipal officers, after reasonable notice and hearing, for failure to pay any fees due or for violation of regulations adopted pursuant to this ordinance.

10. **Notice:** The notice requirements under Sections 4, 5 and 6 of this ordinance shall be met by positing in three public places within the Town and by publication in a newspaper of general circulation at least seven days prior to the hearing.

Adopted – April 14, 1982 at a Special Town Meeting

Exhibit E - February 8, 2018



TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

Proposed Ordinance Revisions June 2018

- ***Revisions to Land Use Ordinance regarding Growth Area Map.*** When the Growth Area Map was created in 2010 showing properties that met the written definitions of Growth, Rural and Transitional, it did not consider the progression and expansion of public utilities such as sewer and water. This amendment allows the Growth Planning Committee to periodically review and update the map to reflect current infrastructure access, allowing properties to be reclassified from one type of rate of growth area to another. This will allow for properties to be treated equitably with other like properties related to the issuance of growth permits.
- ***Revisions to Land Use Ordinance clarifying setbacks related to lot lines and rights of way.*** This ordinance amendment removes confusing and contradictory language regarding setbacks from road rights of way. As a matter of practice, the code office has consistently interpreted structure setbacks to be measured from the edge of a road right of way. And while the ordinance supports that interpretation there has been confusion when in places setbacks refer to "street" and in other places refer to "right of way". Furthermore, there has been confusion surrounding pedestrian rights of way vs. road rights of way. This ordinance amendment clarifies lot setbacks are related to vehicular access rights of way, public and private, and should not be used for pedestrian rights of way nor should setbacks be measured to the actual constructed street or road.
- ***Revisions to Land Use Ordinance regarding lot coverage credit for semi pervious materials.*** Within the Shoreland Zone driveways are calculated towards a lot's overall lot coverage restriction. Several years ago, many coastal communities with the support of the Maine DEP allowed lot coverage reductions when semi-pervious materials such as grass pavers were used. After a trial period of a few years DEP reversed their position regarding this practice. It was found that some communities were not consistently enforcing the policy in addition to finding that many contractors were improperly installing the alternatives, which over time reduced their overall effectiveness.
- ***Revisions to Floodplain Management Ordinance.*** This ordinance amendment removes the floodplain permit fee from the ordinance and places it in a fee schedule set annually by the Board of Selectmen.

Proposed Revision to LUO Regarding Growth Area Map

11.12 Growth Management Permit Required

H.

2. Growth management permits issued by the Code Enforcement Officer may be replaced by building permits according to their rankings. Growth management permits issued by the Code Enforcement Officer shall be separated into three groups: Growth Areas, Transitional Areas and Rural Areas. These Areas are identified within the Comprehensive Plan and further identified on a Map entitled: Kennebunkport Rate of Growth Areas Comprehensive Plan. June 2010. The Rate of Growth Area Map may be reviewed and updated periodically by the Growth Planning Committee in order to reflect current infrastructure development. As a result, parcels may be reclassified to reflect their actual access to municipal infrastructure such as sewer and water. The allocation of growth management permits shall be as follows: fifty percent (50%) available for Growth Areas, thirty percent (30%) available for Transitional Areas and the remaining twenty percent (20%) for Rural Areas. Decimals resulting from this formula shall be rounded up to the nearest whole number for decimals greater than 0.5 and down to the nearest whole number for decimals less than or equal to 0.5. If the rounding results in an unallocated growth management permit, that permit shall be allocated to the Growth Areas.

Proposed Revisions to LUO to clarify setbacks related to lot lines and Rights of Way.

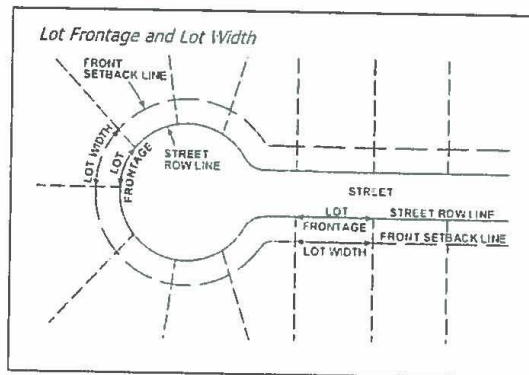
Frontage, Street: The horizontal distance measured in a straight line between the intersections of the side lot lines with the right-of-way of a street or road public or private.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street, road or right-of-way.

Lot Lines: The property lines bounding a lot as defined below:

- a. Front Lot Line: On an interior lot the line separating the lot from ~~the street or private road, the right of way containing the street or private road providing vehicular access to the lot regardless of if the street or road has been built.~~ On a corner or through lot, the line separating the lot from each ~~street or right-of-way, right of way containing the street or private road providing vehicular access to the lot regardless of if the street or road has been built.~~

Lot Width: The width of any lot as measured wholly within the lot at the required front setback ~~to the road or street right of way~~ along a line parallel to the straight line connecting the intersections of the front lot line with the side lot lines.



Setback: The horizontal distance from a lot line or ~~right of way containing the street or private road providing vehicular access to the lot regardless of if the street or road has been built,~~ to the nearest part of a structure.

**Proposed removal of reduction of lot coverage credit for
semi-pervious materials**

6.9 Off-Street Parking and Loading – Non-Residential

16. Parking spaces must be composed of sufficient impervious or semi-pervious material (e.g. asphalt, concrete, composites, gravel) to support a vehicle in all conditions. Semi-pervious materials such as “grass pavers” or similar materials can be used ~~and can qualify for a reduction in lot coverage up to 50% of the material's total square footage.~~

6.10 Residential Parking Standards

4. Parking spaces must be composed of sufficient impervious or semi-pervious material (e.g. asphalt, concrete, composites, gravel) to support a vehicle in all conditions. Semi-pervious materials such as “grass pavers” or similar materials can be used ~~and can qualify for a reduction in lot coverage up to 50% of the material's total square footage.~~

Proposed Revision to Kennebunkport Floodplain Management Ordinance

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

~~A non-refundable application fee of \$50.00 shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.~~

The Municipal Officers shall annually set the amount of application fees required by this Ordinance after providing opportunity for public comment and after considering actual costs of implementing this Ordinance.

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.

WASTEWATER ~~SEWER~~ USE ORDINANCE
TOWN OF KENNEBUNKPORT
KENNEBUNKPORT, MAINE

Adopted March 1985
Amended 9/12/85
8/14/86
5/28/87
6/11/91
1/26/95
3/09/95
9/01/98
10/09/03
08/13/09
/18

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~~SEWER~~ WASTEWATER USE ORDINANCE

ARTICLE I - PURPOSE, AUTHORITY, SCOPE AND INTENT

Sec. 1. This Ordinance shall be known and may be cited as the "Town of Kennebunkport Wastewater ~~Sewer~~ Use Ordinance" and will be referred to herein as "this Ordinance."

Sec. 2. The purpose of this Ordinance is to promote the health, comfort, public convenience and general welfare of the citizens of the Town of Kennebunkport by eliminating existing pollution, preventing further pollution and controlling sewerage systems through regulations and restrictions. This Ordinance shall restrict and regulate the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public or private, industrial or residential, shall not result in pollution, health hazards or other nuisances for the citizens of the Town of Kennebunkport.

Sec. 3. This Ordinance contains the rules and regulations adopted by the Municipal Officers to govern the Kennebunkport Sewer System under the authority granted in Title 30-A M.R.S.A. §§ 5410-5415, 3401-3409, 3421-3428, and 3442-3445 as amended; and in all other applicable state statutes. The Board of Selectmen, being the Municipal Officers of the Town of Kennebunkport, shall have the authority granted under these provisions to administer, enforce, amend or repeal this Ordinance, or any clause or provision thereof, as may be necessary or desirable, in the judgment of the Board of Selectmen, for the efficient operation of any sewerage system.

Sec. 4. This Ordinance shall completely supersede all other sewer ordinances enacted by the Town of Kennebunkport prior to the date of the enactment of this Ordinance, which other ordinances are hereby repealed, except as otherwise noted herein. Hereafter any person owning any building or structure within the Town of Kennebunkport which is the source of sewage and/or industrial waste or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

ARTICLE II - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Abutting Property": Any lot that is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across the street or right of way from the subject lot such that the extension of the side lines of the subject touch or enclose the abutting property.

"Apartment, Accessory." A separate dwelling unit which is located within and subordinate to a single family detached dwelling, which dwelling was in existence on March 6, 1972, as permitted under the Town of Kennebunkport Land Use Ordinance.

~~"Assistant-Superintendent"~~ **"Deputy Director of Public Works."** Shall have all the duties and powers of the ~~Superintendent~~ Director of Public Works when the Superintendent is unavailable.

"Bed and Breakfast." A business establishment having, nine (9) or fewer guest rooms in which lodging is offered to guests for compensation and meals may be offered for compensation only to the lodgers.

"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 degrees Celsius, expressed in milligrams per liter.

"Board of Selectmen." The duly elected Board of Selectmen of the Town of Kennebunkport.

"Building." Any structure arranged, designed, intended or used for the shelter, housing or enclosure of persons, animals, processes, equipment or property of any kind.

"Building Drain." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet outside the inner face of the building wall.

"Building Sewer" or "Building Connection." The extension from the building drain to the public sewer or other place of disposal. The building sewer is the responsibility of the owner of the building from the building to the sewer main in the street or from the building to the grinder pump chamber [AKT1].

"Campground." A business establishment operated as a recreational site for tents, trailers, recreational vehicles or other forms of temporary shelter.

"Change of Use." The change from an existing use to another use, including without limitation, the addition of a new use to an existing use.

"Church." A building or group of buildings arranged, designed, intended or used for the conduct of religious services, and accessory uses associated therewith.

"Club." Any voluntary association of persons organized for fraternal, social, religious, benevolent, recreational, literary, patriotic, scientific, or political purposes whose facilities are open to members but not the general public, and which is principally engaged in activities which are not customarily carried on for pecuniary gain.

"Combined Sewer." A sewer intended to receive both wastewater and storm or surface water.

"Company." Any industrial or commercial establishment with a liquid waste discharge.

"Connection fee." A charge established for the connection of any building or property to a sanitary, combined or interceptor sewer within the town. The purpose of the connection fee is to ensure that new users and current users with change of use or increased flows bear a reasonably proportionate share of the cost of capital expenditures necessary to replace and upgrade sewer facilities in order to maintain excess capacity within the system^[AKT2].

"Director of Public Works." The Director of the Public Works Department for the Town of Kennebunkport, or his or her duly authorized deputy, agent, representative or inspector.

"Dwelling." Any building or structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, inn, or similar unit.

~~(A) Single Family Dwelling—A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one (1) dwelling unit, or one dwelling with an accessory apartment as permitted by the Kennebunkport Land Use Ordinance. A single family dwelling and any accessory apartment located therein shall be constructed on one continuous foundation and under one continuous roof; no part of the dwelling unit shall be located in a detached building or structure.~~

~~(B) Two Family Dwelling—A building designed or remodeled to be used exclusively for residential occupancy by two (2) families living independently of one another and containing two (2) dwelling units. Each unit shall have not less than 650 square feet. The dwelling shall have only one (1) front entrance, and all other entrances shall be on the side or in the rear of the dwelling. An entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. One dwelling shall be subordinate in size. The subordinate unit shall not be permitted a Home Occupation. A two family dwelling shall be constructed on one continuous foundation and under one continuous roof; no part of the dwelling unit shall be located in a detached building or structure.~~

~~(C) Multiplex Dwelling—A building designed or intended to be used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units, including apartment buildings and~~

~~condominiums but excluding single family dwellings with an accessory apartment permitted by the Kennebunkport Land Use Ordinance~~^[AKT3].

"Dwelling Unit." One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities.,

"Easement." An acquired legal right for the specific use of land owned by others.

"Family." One or more persons occupying a dwelling unit and living together as a single housekeeping unit where all occupants use and access to all living and eating areas, bathroom and food preparation and serving areas.

~~**"Floatable Oil."** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floating oil if it is properly pretreated and the wastewater does not interfere with the collection system~~^[AKT4].

"Foundation." The supporting substructure of a building or other structure including but not limited to basements, slabs, posts or frost walls.

"Frontage on the Sewer" shall exist if the public sewer line passes between the side lot lines of the property in question, as determined by drawing perpendicular lines across the roadway from the points of intersection of the property side lot lines.

"Garbage." Solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"Garbage, Properly Shredded." The wastes from the preparation, cooking and dispensing of foods 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 (1/2) inch (1.27 centimeters) in any dimension.

"Gas Station." A business establishment selling fuel and related products for motor vehicles.

"Hotel." A building or group of buildings having ten (10) or more guest rooms in which lodging, or meals and lodging, are offered for compensation, including motels, tourist courts, motor lodges and cabins.

"Industrial Wastes." The liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

"Inn." A business establishment having nine (9) or less guest rooms in which lodging is offered to guests for compensation and meals may be offered for compensation only to lodgers and to the general public^[AKT5].

"Lot." An area of land in one ownership, or one leaseholder with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by lot boundary lines on a subdivision plan approved by the Planning Board and recorded in the York County Registry of Deeds.

"Lot Frontage." The horizontal distance measured in a straight line connecting the intersection of the front lot line with the side lot lines.

"Lot Lines." The property lines bounding a lot as defined below:

- a. Front Lot Line: On an interior lot the line separating the lot from the street or private road. On a corner or through lot, the line separating the lot from each street or right-of-way.
- b. Rear Lot Line: The lot line opposite the front lot line. On a lot point at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line.

"Motel." See Hotel.

"Natural Outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Owner." The person or persons, natural or corporate, in whom for the time being title is vested in real property situated in the Town.

"Person." Any individual, firm, company, association, society, corporation or group.

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Public Sewer." A common sewer in which all owners of abutting properties have equal rights and is controlled by public authority. The term "public sewer" shall include the Town of Kennebunkport Wastewater Treatment Plant and Public Sewer System the main line only, not the house services.

"Pollutant" shall include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural waste of any kind.

"Restaurant." An establishment where food and drink are prepared and served to the public and where no food or beverages are served directly to the occupants of motor vehicles.

"Roomer." A person residing in and paying rent for a room in a single-family dwelling whether or not the person eats meals on the premises.

"Sanitary Sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Selectmen." The duly elected members of the Town of Kennebunkport Board of Selectmen.

"Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

"Sewage Works." Facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer." A pipe or conduit for carrying sewage.

"Sewer Extension." Any addition to the public sewers of the Town of Kennebunkport whether located in a public way or on private property and whether constructed at public or private expense, provided that the term "sewer extension" shall not include building sewers and connections governed by Article V.

"Sewer Unit." The source of sewage classified by land use and activity calculated to determine sewer connection fees and service charges [AKT6].

"Shall." is mandatory; "may" is permissive.

"Slug." 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 two (2) times the average twenty-four (24) hour concentration of flows during normal operation.

"Storm Drain." or **"Storm Sewer."** A sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than, unpolluted cooling water.

~~**"Superintendent."** The Superintendent of the Water Pollution Control Facilities of the Town of Kennebunkport or his duly authorized deputy, agent, representative or inspector.~~

"Suspended Solids." Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Waste and Wastewater" published by the American Public Health Association and referred to as non-filterable residue.

"Town." The Town of Kennebunkport, County of York, State of Maine.

"Watercourse." A channel in which a flow of water occurs, either continuously or intermittently.

"Water Pollution Control Facility." The arrangement of devices and structures used for treating sewage and sludge (Wastewater Treatment Plant).

ARTICLE III - USE OF PUBLIC SEWERS REQUIRED

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other waste constituting a hazard to health. Exceptions may be granted by the Selectmen to an owner or lessee acting in the normal course of farm or garden operations.

Sec. 2. It shall be unlawful for any person to discharge to any natural outlet in any area under the jurisdiction of the Town any sewage or other polluted water, except where suitable treatment has been provided in accordance with this Ordinance and/or any other applicable laws, rules or regulations.

Sec. 3. It shall be unlawful for any person to construct or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, if at the time such person is required by Section 4 of this Article III to connect toilet facilities in or on his property with a public sanitary sewer.

Sec. 4. Every building intended for human habitation, occupancy, employment, recreation or any other purpose situated within the Town, shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof. Said facilities in character, number and method of installation shall comply with all applicable laws, rules and regulations including, but not limited to ordinances of the Town, health laws of the State of Maine and rules and regulations of the State Bureau of Health so far as the same are compatible and not inconsistent. In the event any such laws, rules, and regulations are inconsistent, the stricter provision (s) shall apply.

Sec. 5. The owner of any house, building or other structures used for human occupancy, employment, recreation or other purpose, which is situated within the Town and on land that has frontage abutting street, alley or right-of-way containing a public sanitary sewer of the Town, provided any part of the foundation thereof is within two hundred (200) feet of such public sanitary sewer, or is otherwise required by the State Plumbing Code for the State of Maine to do so, is hereby required at the property owner's own expense to connect the suitable sanitary facilities as described in Article III, Section 4 above, directly with such public sanitary sewer in accordance with this Ordinance within ninety (90) days after date of official notice to do so. The requirement set forth in this section shall be subject to the availability of sewer capacity as determined by the Sewer Superintendent~~Director of Public Works~~, or Selectmen, as the case may be according to the terms of this Ordinance.

Sec. 6. Notwithstanding any other provision of this Ordinance, a determination by the ~~Sewer Superintendent~~Director of Public Works that a grinder pump would be necessary for the particular property owner to connect to the public sewer shall constitute an unnecessary hardship, and that property owner shall be relieved of any obligation to connect to the public sewer. This exemption shall NOT apply if:

- A. The grinder pump is supplied to the property owner by the Town; or
- B. The existing septic system for that property is malfunctioning, in which case connection to the public sewer shall be required notwithstanding the need and associated cost of installing a grinder pump or a solids handling pump, unless a variance is obtained under Article XVII.

ARTICLE IV - PRIVATE WASTEWATER DISPOSAL

Sec. 1. Where a public sanitary sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article and the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations, as amended.

Sec. 2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the licensed plumbing inspector. The application for such permit shall be made on a form furnished by the Town, which shall comply with the requirements of the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement with any plans, specifications and other information as deemed necessary by the plumbing inspector. A permit and inspection fee in accordance with State of Maine Plumbing Code, Chapter 241, shall be paid at the time the application is filed.

Sec. 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector. The plumbing inspector shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the plumbing inspector when the work is ready for final inspection and before any underground portions are covered.

Sec. 4. The type, capacities, locations, and the layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code – Subsurface Wastewater Disposal Regulations as amended, and the Minimum Lot Size Law.

Sec. 5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4 of this Ordinance, a direct connection from the building sewer to the public sewer shall be made within ninety (90) days. Upon the expiration of said 90 - day period, the property owner shall cease to use any septic tanks, cesspools and similar private wastewater disposal facilities and said facilities shall be cleaned of

sludge and filled with clean bank run gravel or dirt, or completely removed, within thirty (30) days of abandonment. The requirement set forth in this section shall be subject to the availability of sewer capacity as determined by the ~~Sewer Superintendent~~Director of Public Works, or Selectmen, as the case may be according to the terms of this Ordinance.

Sec. 6. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Sec. 7. The Town's Health Officer, Building Inspector, or Plumbing Inspector shall construe no statement contained in this Article to interfere with any additional requirements that may be imposed.

ARTICLE V - BUILDING SEWERS AND CONNECTIONS

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Superintendent~~Director of Public Works. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the ~~Superintendent~~Director of Public Works at least forty-five (45) days prior to the proposed change or connection and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1, Subsection 361, as amended.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and (b) commercial service, 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 ~~Sewer Superintendent~~Director of Public Works. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the ~~Superintendent~~Director of Public Works. A permit and inspection fee of one dollar (~~\$24.00~~) per gallon based on the Design Flows Tables 501.1 and 501.2 in the Maine Subsurface Wastewater Disposal Rules residential or commercial building sewer permit shall be paid to the Town at the time the application is filed.

Sec. 3. A sewer connection application shall be applied for and the fees shall be paid for, whenever a homeowner applies for a building permit that will increase the flows from that structure into the collection system.

Sec. 4. All cost 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.

Sec. 5. A separate and independent building sewer shall be provided for every building requiring a sewer connection, except that 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 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. A deed restriction shall be placed on both properties stating that they have joint ownership in the sewer connection and will maintain it jointly; and the owners of both properties shall be jointly and severally liable for any cost or expense of installation and connection as provided by Section 3 of this Article V.

Sec. 6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the ~~Superintendent~~Director of Public Works, to meet all requirements of this Ordinance. The applicant shall pay for all cost for examination and testing.

Sec. 7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the Town. ~~In the absence of building and plumbing code provisions or in amplification thereof, the specifications set forth in "Wastewater Collection System" prepared for the Town by Woodard & Curran Inc. (July 1991) shall also apply.~~

Sec. 8. Whenever possible, the building sewer shall be brought from the building at an elevation 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 a grinder pump or a solids handling pump and discharged to the building sewer.

Sec. 9. No person shall connect any roof downspout, exterior foundation drain, area drain, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the ~~Superintendent~~Director of Public Works for purposes of disposal of polluted surface drainage.

Sec. 10. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of other applicable rules and regulations of the Town. ~~In the absence of building and plumbing code provisions or in amplification thereof, the specifications set forth in "Wastewater Collection System" prepared for the Town by Woodard & Curran Inc. (July 1991) shall apply.~~ The connection of the building sewer into the public sewer shall be made at the curb fitting if provided or at the "Y" branch if such branch is available at a suitable location. On direction of the ~~Superintendent~~Director of Public Works, where no "Y" branch is available, a neat hole shall be cut, by machine, into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of forty-five (45) degrees with an approved saddle or clamp-type fitting. Such connection shall be completely watertight at the location specified by the ~~Superintendent~~Director of Public Works or his Designee ("The Inspector") and shall be completed under the supervision and in the presence of the Inspector, and as directed by and to the satisfaction of the Inspector.

Sec. 11. The applicant for the building sewer permit shall notify the ~~Superintendent~~Director of Public Works twenty-four (24) hours before the building sewer is ready for inspection and connection to the public sewer. All inspections shall be performed during regular working hours. Any inspections requested after the regular working hours or on weekends will be assessed an additional inspection fee of one and one-half (1.5) times the Inspector's normal rate and any other fees that may apply.

Sec. 12. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and/or other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Sec. 13. When any building or other structure previously served by a connection to any public sewer or drain is demolished, destroyed, abandoned or altered so that any drain or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer or drain is no longer used and is not connected to the drainage system of the building or structure, the open end of such which discharged, directly or indirectly, into a public sewer or drain shall be promptly closed and sealed to the satisfaction of the ~~Superintendent~~Director of Public Works, so that no water or wastes not otherwise permitted to enter the public sewer or drain shall be so discharged therein. The ~~Superintendent~~Director of Public Works shall be notified of such abandonment or discontinuance, and of the closing and sealing of such drain, and shall be afforded an opportunity to see such work performed. All of said work shall be done by the person or party demolishing the building or structure or who alters the drainage of the premises so to make such closing and sealing necessary. In the event such person fails to perform said work, the work shall be done by the owner, lessee or tenant of the premises to the satisfaction of the ~~Superintendent~~Director of Public Works, all without expense to the Town.

Sec. 14. Unless exempted under subparagraph (B) below, every person seeking to, or required to, make connection with the public sewer system shall pay the charge under this section. -Such charge is in addition to any other charge imposed by this Ordinance.

- A. The connection fee for each sewer unit ~~change-charge~~ imposed under Article XIII shall be ~~\$3,500~~^[AKT7]. For those uses to be assigned a special charge under that Article, the connection ~~charge-fee~~^[AKT8] shall be established by the Selectmen. Any person seeking to make connection shall fill out an appropriate form provided by the ~~Superintendent~~Director of Public Works. When the form has been approved and the fee paid, the ~~Superintendent~~Director of Public Works shall notify the Building Inspector. No building permit or occupancy permit may be issued until the fee has been paid.

~~(B) Any building or structure in existence or for which a building permit has been obtained prior to July 1, 1986, is exempted from the charge under this Section 13 for the initial building or structure connection to the Public Sewer System, except as provided in subparagraph (C) below.~~

- B. ~~After July 1, 1986, for~~ For any change of use within a building, or expansion or alteration to a building, which results in an increase in the sewer unit charge imposed under Article XIII, a connection ~~charge-fee~~ is due for each additional sewer unit change.

- C. All ~~charges-connection fees~~ generated by this section shall be placed in a non-lapsing fund, to be known as the "Water Pollution Control Facility Fund," to be used for improvements to or expansion of or replacement of the existing treatment plant and facilities.

Sec. 15. After the building sewer is connected to collection system, the public sewer the owner of the building sewer shall maintain the building sewer from the building to the sewer main public sewer. [EJG9]

ARTICLE VI - SEWER EXTENSIONS

Sec. 1. Sewer Extensions within Public Way at Public Expense. Sewer extensions to be located within public ways and individual building sewers to five (5) feet from the edge of the pavement the property line may be constructed by the Town at public expense if the voters of the Town acting at an annual or special town meeting authorize such an extension and appropriate the necessary funds therefore. Under this arrangement, each property owner shall pay for and install the building sewer from the public sewer to his or her residence or place of business in accordance with the requirements of Article V. Property owners may request that an article authorizing such a sewer extension and appropriating the necessary funds therefore be included in the warrant of the next annual town meeting by filing a written petition signed by a majority of the benefiting property owners with the Selectmen at least ninety (90) days prior to the annual meeting. Prior town meeting approval is required before the project may be built at public expense.

Sec. 2. Sewer Extensions within Public Way at Private Expense. If the Town does not elect to construct a sewer extension within a public way at public expense, or upon proper application, any property owner, builder or developer may offer to make an unconditional gift to the Town of a sewer extension to be constructed within a public way at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined below:

(A) Submission Requirements:

The applicant will submit an application provided by the Sewer Wastewater Department to the Superintendent/Director of Public Works along with the following materials:

1. An application fee in an amount equal to the greater of Five dollars (\$5.00) per linear foot of pipe for the proposed sewer extension, or Five hundred dollars (\$500.00) per sewer unit charge which will be assessed under Article XIII, Sec. 2 against the buildings which the applicant intends to construct, develop or provide with sewer service in connection with the proposed sewer extension. These fees shall also include any sewer

units that are on abutting properties that will be able to connect to this extension. Such application fees shall be placed in a separate non-lapsing account to be used by the Town for the purpose of paying the costs of publishing legal notices, holding public hearings, reviewing sewer extension applications and studying the impacts thereof in accordance with the provisions of this Article.

2. Conceptual drawings and specifications for the project. Project drawings and specification must be submitted electronically and on paper copies.
3. A survey showing the location of the property and the proposed sewer extension. This information shall be submitted as a paper drawing and electronically in the DWG format for use with AutoCAD. The digital transfer of any subdivision plan data shall be delivered on the Town's chosen Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone FIPS Zone 1802, North American Datum 1983; Units: US Survey Feet.

—The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). ~~However, if only National Geodetic Vertical Datum 1929 (NGVD29) is possible, this is — permissible. The choice of vertical datum must be indicated on the digital submission.~~—The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

—Data shall have survey grade positional accuracy. Data could be developed using either Real Time Kinematic (RTK) GPS, survey-grade Static GPS data collection or traditional methods of occupying known, high-precision surveyed monuments. The datum, survey methods, and type of survey equipment used shall be identified.

4. A list of all the property owners and mailing addresses that are within two hundred (200) feet of the proposed sewer extension property boundaries. This list shall be submitted on paper and electronically and be able to be used with MS Word format.
5. Proof of the ability to secure an irrevocable letter of credit or post cash or other cash equivalent in a form acceptable to the Board of Selectmen in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project. The letter of credit or the cash security will remain in effect until after the guaranty has expired.
6. Any other information the Town may require on a case-by-case basis.

If any easements, rights, title, or interests to other properties are required for the construction of the sewer extension, the property owner, builder, developer or applicant must have acquired them before the Town will make any review.

(B) Review of Extension Application:

The ~~Superintendent~~Director of Public Works shall immediately give the completed application to the Secretary of the Planning Board who shall refer it to the Planning Board.

The Planning Board shall schedule a public hearing to be held within sixty (60) days of receipt of a completed application as determined by the ~~Superintendent~~Director of Public Works.

At least ten (10) days prior to the hearing date, the Secretary to the Planning Board shall publish a notice of the hearing in a newspaper of general circulation in the Town. The notice shall identify generally the route of the proposed extension, the name of the applicant, and the time and place of the public hearing.

Notice of the hearing shall be sent by the Town by certified mail to the owners of all property within two hundred (200) feet of the property boundaries of the project at least seven (7) days in advance of the hearing. The owners of abutting property shall be considered to be those shown on the tax lists as those against whom taxes are assessed. The Planning Board shall maintain as a part of the record for each case a completed list of all property owners so notified. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate the action of the Planning Board.

At the hearing, the applicant, ~~Superintendent~~Director of Public Works, and any other interested person may be heard. The public hearing may be continued to a later date at the discretion of the Planning Board.

With the approval of the Town Manager, the Planning Board may arrange for a study of the likely impacts of the proposed sewer extension. Such study shall address but not be limited to the following issues:

1. Whether there are reasonable alternative methods of sewage disposal at the site or sites to be served by the proposed extension;
2. Whether the proposed extension will result in significant benefit or harm to environmental quality;
3. Whether the proposed extension will provide economic benefits or will significantly increase costs to the Town;
4. Whether the proposed extension will tend to significantly increase residential, commercial or industrial development in the area to be served by the extension and whether such increase is compatible with the Town's Comprehensive Plan; and
5. Such other issues as the Planning Board may direct.

Within forty-five (45) days of the close of the public hearing or receipt of the results of the Planning Board's study, whichever is later, the Planning Board shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

With the approval of the Town Manager, the ~~Sewer Superintendent~~Director of Public Works may arrange for a study of the likely impacts of the proposed sewer extension. Such study may address but not be limited to the following issues:

1. Whether the proposed extension will significantly increase or decrease user fees within the Town;
2. Whether the proposed extension will be compatible with future or planned extensions of the sewer system within the Town;
3. Whether the increase in sewage resulting from the proposed extension can be adequately handled by the existing treatment plant, pumping stations and other facilities;
4. Such other issues as the ~~Superintendent~~Director of Public Works may direct.

Within forty-five (45) days of the close of the Planning Board's public hearing or receipt of the results of the ~~Superintendent~~Director of Public Works's study, whichever is later, the ~~Superintendent~~Director of Public Works shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

The studies requested by the Planning Board and/or the ~~Sewer Superintendent~~Director of Public Works shall be paid for from the non-lapsing account established under this Section or by such other monies as may be properly authorized. In the event that the costs associated with any of the studies exceed (80%) eighty percent of the application fees, the applicant will be assessed additional fees to cover the cost of doing the studies.

Following the receipt of the Planning Board's and ~~Superintendent~~Director of Public Works's recommendations, the Board of Selectmen shall approve or deny the project.

(C) Acceptance of Unconditional Gift by Town Meeting:

All sewer extensions, including any pumping stations, constructed at the property owner's or applicant's expense, together with a sewer easement in a form satisfactory to the Selectmen, must be offered to the Town as an unconditional gift.

Following the Selectmen's approval of the project but prior to the Selectmen's insertion of an article in the warrant, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the ~~Sewer Superintendent~~Director of Public Works for his review, including a complete set of drawings on paper and on a computer disk in the Auto-Cad format (DWG), showing the equipment as proposed to be installed. The ~~Superintendent~~Director of Public Works must approve said plans and specifications before any work is commenced and before an article can be placed in the warrant.

Following the ~~Superintendent~~Director of Public Works's approval of the plans, specifications and drawings, the Selectmen shall insert an article in the warrant of the next annual or special town meeting to see if the Town will vote to accept the proposed unconditional gift of the sewer extension that will be in the Town's road way. A special town meeting may be called to address this one item if the applicant agrees to bear the cost of the meeting. The recommendations of the Planning Board and ~~Sewer Superintendent~~Director of Public Works may be set forth as an informational item beneath the article in the warrant calling the annual or special town meeting.

The article included in the warrant shall require as a condition to acceptance of the proposed gift that the applicant shall furnish the Town with an irrevocable letter of credit or cash or cash equivalent in a form acceptable to the Board of Selectmen to ensure proper completion of the project. The guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project and shall remain in effect until after the contractor's warranty period has expired or until any adjustments are made by the ~~Sewer Superintendent~~Director of Public Works as referenced in Section E below. The amount of the guarantee shall be increased if the cost of the project, as determined by final bids, is significantly higher than the estimated costs furnished to the Planning Board. The Town Manager shall order such adjustment to be made if needed to provide security equal to one hundred twenty-five (125%) of the cost of the project. The article included in the warrant shall also provide that acceptance of a sewer extension to be constructed at private expense shall be subject to prior approval of the contractor and the terms of the construction contract by the Selectmen.

(D) Construction and Inspection after Approval by Town Meeting:

If the Town votes to accept the proposed gift of a sewer extension to be constructed in a public way under private contract, the applicant must obtain all permits required under existing ordinances and state law, including a permit from the Board of Selectmen. All construction shall at least meet the minimum design and construction specifications provided by the Town, which shall be given to the property owner, builder or developer at the time a permit is obtained. No construction or work on the sewer extension project may begin until (1) the ~~Superintendent~~Director of Public Works has approved the plans and specifications submitted by the property owner, builder or developer, and (2) the unconditional gift of the sewer extension has been accepted by the Town meeting.

Each building sewer must be installed and inspected as required in Article V and the fees required under Article V shall be paid. The installation of the sewer extension shall be subject to periodic inspection by the ~~Superintendent~~Director of Public Works or his authorized representatives, who shall include a full time inspector if the ~~Superintendent~~Director of Public Works determines it to be in the Town's best interests. The expenses for said inspection shall be paid for by the owner, builder or developer. The ~~Superintendent~~Director of Public Works's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass all tests required in Article V before it is to be used.

It is the responsibility of the applicant to ensure compliance with all of the applicable requirements of the Maine Department of Environmental Protection (DEP), the federal Environmental Protection Agency (EPA) and the Town.

(E) Town Acquisition of All Sewer Extensions:

Within (30) thirty days after the installation, inspection of the project and the connection of 90% of the intended sewer units as described in Section 2(D) above, the owner shall convey title to said sewer extension to the Town, together with a perpetual sewer easement and maintenance easement. Said sewers and pump stations, after conveyance to the Town, shall be guaranteed by the property owner, builder, or developer against defects in materials or workmanship for twelve (12) months after acceptance by the Town, provided, however, that after completion of construction of the sewer line extension and acceptance thereof by the Town, but prior to the expiration of the twelve (12) month warranty period, the ~~Sewer Superintendent~~Director of Public Works shall have discretion to release to the owner up to ninety percent (90%) of the guarantee amount upon the ~~Superintendent~~Director of Public Works's determination that the sewer extension has been properly constructed, is free of defects in materials or workmanship and is operationally sound. The guarantee shall be in a form and in an amount acceptable to the Town Manager, who may act in consultation with the Selectmen, the ~~Sewer Superintendent~~Director of Public Works, the Town's attorney, and any other appropriate persons.

Sec. 3. Sewer Extensions Located on Private Property at Private Expense. Any property owner may request permission of the Town to construct at the property owner's own expense a sewer extension on private property serving two (2) or more buildings. The property owner, builder, or developer shall offer to make an unconditional gift to the Town of a sewer extension to be constructed on private property at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined in Section 2(A) and (B) above.

Following the Selectmen's approval of the project, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the ~~Sewer Superintendent~~Director of Public Works for his review, including a complete set of drawings on paper and on computer disk in the Auto-Cad format (DWG), showing the equipment as proposed to be installed. The ~~Superintendent~~Director of Public Works must approve said plans and specifications before any work is commenced.

Digital transfer of any subdivision plan data shall be delivered on the Town's chosen Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone FIPS Zone 1802, North American Datum 1983; Units: US Survey Feet.

The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). ~~However, if only National Geodetic Vertical Datum 1929 (NGVD29) is possible, this is permissible. The choice of vertical datum must be indicated on the digital submission.~~ The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

Data shall have survey grade positional accuracy. Data could be developed using either Real Time Kinematic (RTK) GPS, survey-grade Static GPS data collection or traditional methods of occupying known, high-precision surveyed monuments. The datum, survey methods, and type of survey equipment used shall be identified.

Construction of a sewer extension on private property at private expense, however, need not be delayed until after a Town meeting vote to accept the proposed unconditional gift of the extension. Although the property owner, builder or developer must offer the sewer extension to the Town as an unconditional gift, if the unconditional gift is rejected the sewer extension will remain the property of the property owner and not the Town.

ARTICLE VII - USE OF PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any storm water surface waters, groundwater, roof run off, substance drainage, uncontaminated cooling water, or unpolluted commercial or industrial process waters to any public sanitary sewer.

Sec. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm water sewers, or to a natural outlet approved by the Maine DEP and the ~~Superintendent~~Director of Public Works. Industrial cooling water or unpolluted process water may be discharged, on approval of the Maine DEP and the ~~Superintendent~~Director of Public Works, to a storm sewer or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, which will create a fire or explosive hazard in the wastewater facilities.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with any sewer 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.
- C. Any water or waste having a pH lower than 6.~~50~~, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solids 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, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, tar, plastics, wood, underground garbage, fibers, whole blood, paunch,

manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, or other substances which are whole or ground by garbage grinders.

- E. Any waste or pollutants including oxygen-demanding pollutants (BOD, etc.) which released in quantities of flow or concentrations or both constitute a "slug" as defined in Article II.
- F. Any heated water or pollutants in amounts which will inhibit or interfere with biological activity in the waste water treatment works but in no case heated water or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Celsius); unless the wastewater treatment works is designed to accommodate such heat.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, water, or waste if it appears likely in the opinion of the ~~Superintendent~~Director of Public Works that such waste may harm the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving streams, or may otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the ~~Superintendent~~Director of Public Works shall consider such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the wastewater treatment plant, degree of treat ability of waste in the wastewater treatment plant, and other relevant factors.

Substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit (40 degrees Celsius).
- B. Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- C. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not.
- D. Garbage grinders are prohibited for the commercial users.
- E. Any water or waste containing strong acid, iron, pickling waste, or concentrated plating solutions, whether neutralized or not.
- F. Any waste or water containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting an excessive chlorine residual to such a degree that any such material in the composite sewage at the wastewater treatment plant exceeds the limits established by the ~~Superintendent~~Director of Public Works for such materials.
- G. Any water or waste containing phenols or other taste or odor-producing substances, in such concentrations exceeding limit which may be established by the

~~Superintendent~~Director of Public Works as necessary, after treatment of the composite sewage, to meet the requirement of the State, federal, or other public agencies having jurisdiction over such discharge to any receiving waters.

- H. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the ~~Superintendent~~Director of Public Works in compliance with applicable State or Federal regulations.
- I. Any water or waste having a pH in excess of 8.~~0~~5.
- J. 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 chloride and sodium sulfate).
 - 2. Excessive discoloration, such as, but not limited to, dye waste and vegetable tanning solutions.
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting a "slug" as defined in Article II.
- K. Waters or waste containing substances which are not amenable to proper treatment or reduction by the Town's wastewater treatment process, or which would result in impermissible levels of phosphates and nitrates being discharged in the wastewater treatment plant effluent.
- L. Overflow by draining from cesspools or receptacles storing organic waste (other than septic tank disposal at the Town's treatment plant in accordance with Town procedures).
- M. Steam exhausts, boiler blowoffs, sediment traps, or pipes carrying hot circulating water.

Sec. 5. If any water 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 4 of this Article, and which in the judgment of the ~~Superintendent~~Director of Public Works may have detrimental effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the ~~Superintendent~~Director of Public Works may:

- A. Reject the water;
- 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 cost of handling and treating the waste not covered by existing taxes or sewer charges, pursuant to the provisions of Section 12 of this Article VII.

When considering the above alternatives, the ~~Superintendent~~Director of Public Works shall give consideration to the economic impact of each alternative on the discharger. If the ~~Superintendent~~Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equipment shall be subject to the review and approval of the ~~Superintendent~~Director of Public Works, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit.

Sec. 6. Grease, oil and sand interceptors shall be provided when in the opinion of the ~~Superintendent~~Director of Public Works, they are necessary for the proper handling of the liquid waste containing floatable grease or for any flammable waste, sand, 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~~Director of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection. All new construction and the remodeling of any old construction shall conform to the requirements of the Maine State ~~plumbing~~Plumbing Code and the State of Maine Subsurface Wastewater Disposal Rules for grease and oil interceptors. The minimum size for an external grease trap shall be at least one thousand (1,000) gallons of liquid capacity.

With the approval of the ~~superintendent~~Director of Public Works an automatic / mechanical (self cleaning) grease removal unit may be used instead of the external grease trap. The automatic grease removal unit must be sized in accordance with the manufacturer's written recommendations and the water temperature of the influent, as it enters the unit can not exceed one hundred fifty (150) degrees F.

Dishwasher wastewater shall not be discharged into a automatic grease removal unit, except that the wastewater from the pre-rinse station shall discharge to the grease removal unit.

In maintaining these interceptors, the owner (s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the ~~Superintendent~~Director of Public Works. Any removal and hauling of the collected materials not performed by the owner (s) or the owner (s)' agent (s) must be performed by currently licensed waste disposal firms.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Sec. 8. When required by the ~~Superintendent~~Director of Public Works, the owner of any property serviced by a building sewer carrying commercial, industrial waste shall install a suitable manhole together with such necessary meters and other appurtenances in the building sewer to facilitate

observation, sampling and measurement of the waste. Such manhole, if required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the ~~Superintendent~~Director of Public Works. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 9. The ~~Superintendent~~Director of Public Works may require a user of the sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- A. Description of wastewaters discharged, together with peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvents, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials though spills to the municipal sewer.

Sec. 10. All measurements, tests, and analyses of the characteristics of water and pollutants 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 Public Health Association or other methods approved by the U.S. EPA and the Me. DEP, and shall be determined at the structure as required in Article VII, Section 8, or upon suitable samples taken at said structure. In the event that no special structure has been required, suitable samples shall be taken at the downstream manhole in the public sewer nearest to the point of origin. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the existence of any hazard to life, limb, or property.

- A. All industries discharging into a public sewer shall perform such monitoring of their discharges as the ~~Superintendent~~Director 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 ~~Superintendent~~Director of Public Works. Such records shall be made available upon request by the ~~Superintendent~~Director of Public Works to other agencies having jurisdiction over discharges.

Sec. 11. The municipality shall develop and the ~~Superintendent~~Director of Public Works shall enforce pretreatment regulations for existing and new sources of pollution that are discharging or proposed to be discharged into the municipally owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of the Final Rules of the United States Environmental Protection Agency.

Sec. 12. Nothing in this Article shall be construed to prevent any agreement between the Town and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern; provided that such agreements do not contravene any requirement of existing Federal or State laws and/or regulations, and are compatible with any User Charge and Industrial Cost Recovery System in effect.

ARTICLE VIII - SEWER CAPACITY ALLOCATIONS

Sec. 1. Renovation to the Kennebunkport Water pollution Control Facility which were completed in the spring of 1998 have increased its capacity to an amount in excess of 2,000 pounds of BOD5 per day. However until such time as the facility additions are operated to its capacity, the actual capacity added by these renovations will be unknown. Therefore, upon the completion of these renovations, as evidenced by the Town Manager's receipt of a letter from the Facility's ~~Superintendent~~Director of Public Works stating the renovations are completed, persons may then apply for sewer units which will be allocated on a first come / first served basis until such time as the sewer units capable of generating a total of two hundred (200) pounds of BOD 5 per day (based upon the typical load production of 0.7085 * pound of BOD 5 per day) shall be allocated. At that time, no further sewer units shall be allocated until the Town studies the remaining capacity, if any, and determines how it shall be allocated. A sewer permit or letter of adequate capacity issued under the allocation formula repealed by the amendment remains valid unless it lapses or becomes invalid in accordance with one or more of the provisions of Article IX of this Ordinance.

Sec. 2. The Town reserves the right to reject any and all application for sewer connection permits if, in the best judgment of the ~~Sewer Superintendent~~Director of Public Works and / or the Board of Selectman, such denials are necessary to protect the health, safety and welfare or the citizens of the Town of Kennebunkport. This provision shall apply regardless of whether lots were previously determined to be "vacant "by the Town, or whether the property owner has purchased a stub or incurred any other expense in anticipation of connecting to the sewer system.

Sec. 3. With respect to any sources to which capacity is allocated, that capacity shall be forfeited or reduced as follows:

- A. Capacity shall be forfeited in its entirety if a letter of adequate capacity or a permit lapses or becomes invalid in accordance with one or more of the provisions of Article IX of this Ordinance.

- B. In parallel with the provisions of Article IX, capacity shall be reduced if the project as ultimately approved or constructed contains fewer units than the number set forth in the preceding section.

Sec. 4. Neither the allocation of the sewer capacity to a lot nor the placement of a sewer stub for a lot shall be construed to mean that the lot is buildable. The determination as to whether a lot is buildable shall be based on any applicable ordinances and regulations.

**ARTICLE IX - LAPSE OF SEWER PERMIT
AND ENTITLEMENT TO SEWER CAPACITY**

A sewer permit issued under the terms of this Ordinance, or a letter from the ~~Sewer Superintendent~~Director of Public Works as part of any other municipal review process stating that adequate sewer capacity exists for a proposed project ("letter of adequate capacity"), shall lapse, become invalid, and be of no further force or effect, if any one or more of the following occurs:

- A. The sewer permit or letter of adequate capacity expires by its own terms.
- B. A project approved by the Planning Board loses its approval for any reason, including the failure to timely commence or complete construction as required by applicable regulations or ordinances.
- C. The building permit (s) for a particular structure or project expires or becomes invalid for any reason, including the failure to timely commence or complete construction as required by the terms of the permit itself or by applicable regulations or ordinances.
- D. A project pending before the Planning Board is transferred to another owner of record, and the new owner fails to obtain a determination by the Planning Board that the new owner has adequate financial and technical capacity to complete the project and/or the new owner fails to provide the performance guarantees required by the Planning Board.
- E. The applicant fails to comply with applicable time periods and deadlines for processing the application and fails to get an extension of time prior to the expiration of those time periods and deadlines.
- F. The application is withdrawn by the applicant or by the Planning Board.

ARTICLE X - PROTECTION FROM DAMAGE

Sec. 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, Subsection 806 as amended as well as be subject to civil liability for reasonable costs to repair or replace the damaged structure or equipment including, without limitation, the Town's reasonable costs and attorney's fees.

ARTICLE XI - POWER AND AUTHORITY OF INSPECTORS

Sec. 1. The ~~Superintendent~~Director of Public Works, and other duly authorized representatives of the Town having proper credentials and identification, shall be permitted to enter all properties at all reasonable times upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing in accordance with this Ordinance. The ~~Superintendent~~Director of Public Works and Town representative (s) shall have no authority to inquire about any commercial process, including metallurgical, chemical, oil, refining, ceramic, paper, or other process beyond that point having a direct bearing on the kind and source of discharge to the wastewater facilities. Such information shall be kept confidential upon the company's establishing, to the satisfaction of the ~~Superintendent~~Director of Public Works, that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 2. The ~~Superintendent~~Director of Public Works and other duly authorized representatives of the Town having proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duty negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, or property within said easement shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.

Sec. 3. While performing the necessary work on private properties referred to in Article XI, Section 1 above, the ~~Superintendent~~Director of Public Works or authorized representative (s) of the Town shall observe all the safety rules applicable to the premises established by the company. The Town shall hold the company harmless from any liability for injury or death to Town employees performing such work; and the Town shall indemnify the company against loss or damage to the company's property caused by Town employees and against liability claims for personal injury or property damage against the company arising out of any sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8 of this Ordinance.

ARTICLE XII - PENALTIES

Sec. 1. Any person found to be violating any provision of this Ordinance, except Article X, shall be served by the ~~Sewer Superintendent~~Director of Public Works with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction or cessation thereof. The offender shall within the period of time stated in such notice permanently cease or correct all such failures or violations.

Sec. 2. Any violation which continues beyond the time limit set forth in a written notice to cease or correct the violation shall constitute a civil violation punishable by a fine of not less more than one hundred dollars (\$100.00) nor more than \$2,500 for each violation. Each day a violation continues shall be considered a separate offense. Fines, costs, and attorney's fees may be recovered as provided under 30-A M.R.S.A. § 4452.

Sec. 3. Any person violating any of these rules and regulations shall become liable to the Town for any expense, loss or damage caused the Town by reason of such violation, including but not limited to costs and reasonable attorneys' fees to enforce this Ordinance.

Sec. 4. Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain, or abate a violation hereof.

Sec. 5. No permit for expansion of an existing facility shall be issued if there are outstanding sewer permit or connection fees unless and until satisfactory arrangement for payment of the same has been made with the Board of Selectmen.

ARTICLE XIII - SEWER SERVICE CHARGE

Sec. 1. The source of a portion of the revenues for retiring debt service, capital expenditures, operation and maintenance of the public sewer system of the Town shall be a sewer service charge assigned to owners of property located within the limits of the Town whose property, residence, or place of business is capable of being tied into the sewer system pursuant to Article III, section 5 of this Ordinance. A portion of the funds collected pursuant to this Article shall be placed in a separate reserve fund for operation and maintenance, including replacement, of the public sewer system. The contribution to the reserve fund shall be determined by the Selectman on a year to year basis.

Sec. 2. Sewer service charge rates shall be determined by the ~~Selectman~~Board of Selectmen on a year to year basis. The sewer service charge will be computed and billed at regular intervals though the calendar year, as established by the ~~Selectman~~Board of Selectmen. In general, charges will be calculated based on the following criteria:

A. The total cost annually of operating and maintaining the sewer system.

B. Forty percent (40%) of the cost annually necessary to retire the debt service.

C. The following schedule of sewer unit charges^[AKT10]:

Minimum charge	1 <u>Sewer</u> Unit
Single Family Dwelling <u>Unit or Condominium Unit</u> ^[AKT11]	1 <u>Sewer</u> Unit
Multi-family Dwelling <u>Unit</u> or Condominium <u>Dwelling Unit</u>	1 <u>Sewer</u> Unit <u>per DU</u> *
School students every 20	1 <u>Sewer</u> Unit
Motel/Hotel/ <u>Inn/Bed and Breakfast Units</u> ^[AKT12] (<u>Every two rooms with</u> Double Occupancy)	1 <u>Sewer</u> Unit
Motel/Hotel/ <u>Inn/Bed and Breakfast Units</u> (<u>Every four rooms with</u> Single Occupancy)	1 <u>Sewer</u> Unit
Restaurant Seats (<u>every ten seats</u>)	1 <u>Sewer</u> Unit
Tourist-House Rooms (<u>Every two</u> Double Occupancy <u>rooms</u>)	1 <u>Sewer</u> Unit
Tourist-House Rooms (<u>Every four</u> Single Occupancy <u>rooms</u>)	1 <u>Sewer</u> Unit
Yacht or Country Club Members (<u>Every fifty members</u>)	1 <u>Sewer</u> Unit
Church or Club Members (<u>Every 100 members</u>)-	1 <u>Sewer</u> Unit
Commercial Employees (<u>Every zero to five employees</u>)	1 <u>Sewer</u> Unit
Commercial Employees <u>Every five to ten employees</u>	1.5 <u>Sewer</u> Unit
Industry Employees (<u>Every zero to ten employees</u>)	1.5 <u>Sewer</u> Unit
Gas Station	3 <u>Sewer</u> Units
Laundromat Machines (<u>Every two machines</u>)	1 <u>Sewer</u> Unit
Campground (sewer hookups)	1 <u>Sewer</u> Unit
Septic Waste	\$.10 per gallon

Sec. 3. The sewer service charges assigned to any property owner who contributes a significant quantity of industrial waste to the public sewers, or who contributes a combination of sewage and industrial waste to the public sewer, shall be determined on a block rate structure based on water

* Dwelling Unit

consumption. The property owners to be charged in this manner will be determined by the Selectmen on a year-to-year basis.

Sec. 4. A special sewer service charge shall be assigned to any commercial, industrial firm or organization who, by virtue of the volume, strength or unusual characteristics of their waste alone, would overload or upset the capacity or efficiency of the public sewer system or a part thereof if such waste entered the public sewer or whose waste disposal situation is such that it would be in the public interest to waive the requirements of Section 1, 2, and 3 of this Article. The Selectman, after appropriate study and advice from the ~~Superintendent~~Director of Public Works, shall assign a special sewer service charge to such an entity by separate agreement with said entity. The applicable portions of the preceding section, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Sec. 5. The ~~Superintendent~~Director of Public Works reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

Sec. 6. Each sewer service charge levied pursuant to these rules and regulation is hereby made a lien on the premises. If said charge is not paid within thirty (30) days after it becomes due and payable, it shall be certified to the Town ~~Treasurer~~Manager who shall record notice of said lien with interest and penalties allowed by law in the York County Registry of Deeds.

Sec. 7. The charges and assessments levied pursuant to this Article XIII shall be used consistently with the Clean Water Act, 33 U.S.C. e 1251 et seq., as amended, and all other applicable federal regulations.

Sec. 8. When a Sewer Connection Application is processed and a permit is issued, the owner of the property for which the application was issued will be billed for the units that were approved. If the application was approved during the billing year, the sewer charge will be pro rated for the rest of that year; any year thereafter the owner will receive a bill for all the units that were approved for a full year. The sewer bill will be assessed regardless of whether the units are tied into the collection system or not.

ARTICLE XIV LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTION TO THE PUBLIC SEWERS

Sec. 1. Plumbers and drain layers of established reputation and experience, as determined by the ~~Superintendent~~Director of Public Works, will be licensed by the Town as A Drain Layer authorized to perform work, subject to compliance with the following requirements:

- A. Applicants for licenses, after approval by the ~~Superintendent~~Director of Public Works, shall file with the ~~Superintendent~~Director of Public Works a Certificate of Insurance in the sum of \$ 1,000,000 / 1,000,000 to cover Public Liability and a Certificate of Insurance in the sum of \$ 500,000 covering Property Damage. In addition, a Certificate

of Insurance covering Workman's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Selectmen and the Town of Kennebunkport against any all claims, liability or action for damage, incurred in or in any way connected with the performance of work by the Drain Layer, and for or by reason of any acts or omission of said Drain Layer in the performance of his work, including acts of negligence.

- B. Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

Sec. 2. All licenses expire one year from the date of issuance thereof and no licenses are transferable.

Sec. 3. The ~~Superintendent~~Director of Public Works reserves the right to revoke any license if any provision or requirement of said license is violated.

Sec. 4. Each licensee shall give personal attention to all installations, shall ensure that work is performed in a workmanlike manner, and shall employ only competent workers.

Sec. 5. All licensees are required to give a full written report to the ~~Superintendent~~Director of Public Works within twenty-four (24) hours in the event any prohibited substances are found in a sewer or house drain during the course of the work.

Sec. 6. Notification that work has been completed and certification that all conditions of this Ordinance have been complied with shall be filed in writing with the ~~Superintendent~~Director of Public Works within twenty-four (24) hours after the completion of the work authorized by each permit.

ARTICLE XV - SEPTIC WASTE

The following regulations shall govern the disposal of septic waste at the treatment facilities:

- A. Septic waste from the Town of Kennebunkport, or from any other municipality with written authorization from the Selectmen, will be accepted.
- B. A permit must be procured from the ~~Superintendent~~Director of Public Works or the ~~Superintendent~~Director of Public Works's authorized representative prior to receiving any septic waste for subsequent disposal at the Town's treatment facilities.
- C. The application for said permit shall be signed by the property owner or the property owner's duly authorized representative and shall indicate the source of the septic waste.

- D. Any waste which the ~~Superintendent~~Director of Public Works or any agent of the ~~Superintendent~~Director of Public Works deems suspicious shall be tested, at the waste hauler's expense, to ascertain that the waste meets the specifications for sludge composition and is free of detrimental chemicals.
- E. The waste hauler shall be responsible for the removal and proper disposal of the contaminated waste and any other materials that may have contaminated.
- F. The waste hauler shall be duly licensed in accordance with the laws of the State of Maine , and shell provide a copy of the license to the ~~Sewer Superintendent~~Director of Public Works.

ARTICLE XVI - VALIDITY

Sec. 1. All rules, regulations, or other ordinances in conflict herewith are repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part of these rules and regulations, which can be given effect without such invalid part or parts.

ARTICLE XVII - APPEALS

Sec. 1. The Selectmen shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the ~~Superintendent~~Director of Public Works, Plumbing Inspector and/or Town Health Officer, insofar as such decision arises from requirements of this Ordinance:

- A. To determine whether the decisions of these authorities are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in a case of uncertainty.
- B. To grant variances from the terms of this Ordinance where there is no substantial departure from the intent of this Ordinance and where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen (15) percent of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.

- C. To permit an exception to this Ordinance only when the terms of the exception have been specifically set forth in this Ordinance.

Sec. 2. The Selectman shall schedule a hearing on each appeal under this Ordinance within sixty (60) days of receipt of a completed application. At least ten (10) days prior to the hearing the Town Clerk shall cause to be advertised in a newspaper of general circulation in the Town a notice of such appeal identifying the property involved, the nature of the appeal and the starting time and place of the public hearing on the appeal. Owners of properties within two hundred (200) feet of the property for which the appeal is made shall be notified by mail. Failure of any such owner to receive this notice shall not invalidate the proceeding herein prescribed.

The Selectmen shall not continue a hearing on an appeal to a future date except for good cause or by agreement of the appellant. Upon conclusion of the hearing and a determination by the Selectmen, written notice of the Selectmen's decision shall be sent forthwith to the appellant and to the municipal employee or officer concerned. Failure of the Selectmen to issue such notice within thirty (30) days of the date the hearing concludes shall constitute a denial of said appeal.

Sec. 3. The procedure for instituting an appeal shall be as follows:

- A. Any person including any municipal department head aggrieved by a decision of the ~~Superintendent~~Director of Public Works, the Town Health Officer, and/or the Plumbing Inspector, which decision arises from interpretation or application of this Ordinance, may appeal such decision to the Selectmen.
- B. Any such appeal must be filed with the Town Clerk within thirty (30) days of the date of the decision of the ~~Superintendent~~Director of Public Works, Health Officer, and/or Plumbing Inspector. Said appeal shall be filed upon forms to be approved by the Selectmen. The appellant shall set forth the grounds for appeal and shall refer to the specific provision of this Ordinance involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the employee or officer concerned and the Chairperson of the Board of Selectmen. The appellant shall pay to the Town Treasurer a fee of Twenty-five (\$25.00) plus the cost of advertising and mailing notices. The appellant shall supply the names and address of all the property owners that have property within two hundred feet of the property that the appeal is for.
- C. An aggrieved party may appeal any decision of the Selectmen to Superior Court as provided by the laws of the State of Maine.

Sec. 4. After a decision on an appeal has been made by the Selectmen, a new appeal of similar import shall not be entertained by the Selectmen until one year shall have elapsed from the date of said decision, except that the Selectmen may entertain a new appeal if the Chairperson determines that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if the Chairperson determines that a change has taken place in some essential aspect of the appeal.

ARTICLE XVIII - EFFECTIVE DATE

Sec. 1. This Ordinance shall be in full force and effect upon adoption by the Selectman.

Passed and adopted by the Selectmen of the Town of Kennebunkport, County of York, State of Maine on the 13 day of August, 2009, by the following votes:

Ayes _____ Namely _____

Nays _____ Namely _____

Signed: _____

 Clerk