

Land Use
Public Hearing
2/23/2022

TOWN OF JONESPORT
Washington County, Maine
LAND USE AND DEVELOPMENT ORDINANCE

NOTE: Original Ordinance adopted on 1/19/1988 by the Town of Jonesport. References from Town Clerk Minutes are included from January 19, 1988 to May 19, 2015. Please note last pages of the Ordinance.

Section 1. PURPOSE

To protect property owners in the Town of Jonesport from new uses of land or structures which would make their own property less desirable; to protect the established character, social and economic stability of the Town of Jonesport; to give the people of the Town an opportunity to be made aware and to comment upon the new uses of land or structures before such use occurs.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30, Maine Revised Statutes Annotated, Section 1917.

Section 3. APPLICABILITY

This Ordinance shall apply to all proposals for new structures, and to proposals for enlargement of existing structures, and to all new uses of land, except agriculture and forest management activities, and single story outbuildings of one hundred (100) square feet or less *that meet all performance standards listed in Section 6. Performance Standards and Section 7. Additional Standards.* See Table of Land Uses, Section 15 for more specific information. (Amended: 3/12/90) Amended March 12, 2018 (change in italics)

Section 4: NON-CONFORMING USES

- A. Structures and land uses lawful at the time of adoption or amendment of the Ordinance may continue even though such uses do not conform to the provisions of this Ordinance.
- B. A non-conforming structure or use may be maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of the Ordinance.
- C. A permit from the Planning Board for replacement of a non-conforming structure is required before the existing structure is removed.
- D. A non-conforming structure or use which is removed without a permit may not be replaced unless a waiver is granted under the provisions of Section 8 of the Ordinance.

Section 5. PROCEDURES

A-1. Before any activity to which this Ordinance applies, an application shall be filed with the Planning Board for review. The application to the Planning Board shall be accompanied by a fee according to the revised fee schedule and payable to the Town of Jonesport:

0-100 sq ft	\$ 0.00
101 – 500 sq ft	\$ 25.00
501-1500 sq ft	\$ 50.00
1501-3500 sq ft	\$100.00
3501+ sq ft	\$200.00 (Amended: 3/08/2004)

CEO and Building Permit fees to be assessed an additional \$300.00 fee double the normal rate for "after the fact" projects. Windmills shall file a 200+

Square Footage application regardless of the size.(Added 3/09/2015)

A-2. Also, a Code Enforcement Office Inspection form must accompany each permit application. A CEO fee of \$150.00 to be made payable to the Treasurer, Town of Jonesport which includes the certificate of compliance inspection. , except for applications For structures under 200 square feet for which a fee of \$50.00 will be charged. The application will not be considered without the accompanied fee. Within 30 days of receiving an application, the Planning Board or Code Enforcement Officer shall notify the applicant that the application is

three feet (33') in a perpendicular direction from the centerline of the road. However, portions of Route 187 have a wider ROW.

2. Town Roads: All structures shall be set back a minimum of thirty-three feet (33') in a perpendicular direction from the centerline of the road.

3. Notwithstanding A(2), On Town Roads, in any case in which a house is to be situated between two other houses, fronting on the same street as the proposed house, each of which is not more than two hundred feet (200') distant and both of which have less than the required front yard setback, then the required front yard setback of the proposed house may be reduced to the average setback of the two adjoining houses.

4. Private Roads: All structures shall be set back a minimum of ten feet (10') from the outside edge of the travel lane. The width of the travel lane of a private road will be determined through interpretation of language contained in the land deed(s). At the Annual Town Meeting, March 11, 2019, the Town of Jonesport amended this Ordinance to include the Road Proclamation, which is attached, signed by the Selectmen on October 31, 2018

5. When no road exists, all structures, including new roads and driveways, shall be set back a minimum of ten feet (10') from all property boundaries. (#1-5 Amended: 6/9/2009)

(Dimensional requirement numbers 6,7,8 and 9 repealed by vote May 18, 2015)

10. Tower (see definition) shall have setbacks of 1.5 times the max height of the tower and equipment. (Added 03/09/2015)

B. Off-Road Parking:

1. At least two (2) off-road parking spaces shall be provided per dwelling unit for all new or expanded residential structures. Each space shall be at least ten (10) feet by twenty (20) feet. (Amended: 6/17/2002)

2. New commercial and industrial development shall provide ample parking spaces on the premises to accommodate vehicles of employees and customers, and such spaces shall not be located closer than ten (10) feet from any lot line, and shall be designed so as to minimize backing or maneuvering in a public road or street.

C. Roads:

Roads serving new development and which may become Town roads shall meet the following standards:

1. Roads shall be located, constructed, and maintained in such a manner that erosion is minimized.

2. All roads shall have a right-of-way of at least fifty (50) feet and a roadway width of at least eighteen (18) feet centered on the right-of-way.

3. Dead end roads must have a turn-around with a right-of-way radius of at least forty-five (45) feet and a maintained radius for forty (40) feet. (Amended: 3/12/1990)

4. Roads shall be arranged to provide for extension or connection of an eventual necessary road system. (Amended: 3/12/1990)

5. The grade of all roads must be at least one percent (1%) but less than nine percent (9%).

6. Intersections shall be as nearly as possible at right angles and shall have a curved radius between the intersecting right-of-way lines of twenty (20) feet.

7. Roads shall have a four-inch (4") crown, and an eighteen inch (18") to twenty-four inch (24") base.

8. Bituminous paving or other surface treatment shall be required. (Amended: 3/12/1990)

9. A permit shall not be required for placement of gravel for repair and maintenance of existing roadways or driveways. (Amended: 6/22/1992)

D. Mobile Homes:

1. Permanent:

Placement or location of mobile homes shall be permitted on any lot which meets the Minimum Lot Size Requirements of this Ordinance provided such mobile homes shall be in conformance with other applicable provisions of the Ordinance and State regulations. (Amended: 3/12/1990)

2. Temporary:

Mobile home units which must be utilized as temporary housing for construction, Selectmen may cause said units to be removed at the expense of the party responsible for initial placement of said units.

Following completion of the construction and certificate of compliance inspection, any units must be removed within 60 days at the expense of the party responsible.

E. Road Buffers:

Excluding State roads, the boundaries of a parcel of land, running with a road within the boundary of the Town may be delineated with a boundary marker as follows:

1. On Town Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as the measured distance from the edge of the travel lane of the road, must be free from obstructions.
2. On Private Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as measured from the deeded boundary of the road, may be delineated with boundary markers not greater than eight inches (8") in height as measured from the road surface. Boundary markers greater than eight inches (8") in height must be positioned outside the five-foot (5') buffer area. (Amended: 6/9/2009)

F. Lots:

1. Principal structures on lots divided after January 19, 1988 shall require 30,000 square feet and 150 feet of road frontage. This road frontage can include frontage on an access road that connects to a main road. The access road must be a deeded right of way with a meets and bounds description. The right of way must be at least 33 feet in width with access for utilities. (Added May 18, 2015)
2. Each additional dwelling unit above two in a principal structure shall require an additional lot area of 15,000 square feet per unit. (Added May 18, 2015)
3. Additional principal structures or uses and any accessory structures thereto may be constructed upon a lot provided there is at least 30,000 square feet of lot area for each principal structure and all other applicable standards of this Ordinance are met. (Added May 18, 2015)
4. Any lot in existence on January 19, 1988 shall be considered a legal lot of record. If a legal lot of record does not comply with the lot standards contained in subsections (1) or (2), the lot may nevertheless be used for purposes allowed in its zoning district provided all other applicable standards of this Ordinance are met. (Added May 18, 2015)
5. In the event that a non-conforming lot was created after January 19, 1988, the lot may be used for an accessory structure provided the structure has no provision for plumbing facilities and does not exceed 450 square feet in gross floor area. (Added May 18, 2015) (changed June 17, 2019)

Section 8. WAIVERS

The Planning Board may modify or waive any of the Section 6 "Performance Standards" or Section 7 "Additional Standards" when it determines, in writing, that because of the special circumstances of the site, such standards would not be applicable or would be an unnecessary burden upon the applicant, and that such waiver would not adversely affect the abutting land owners and the general health and welfare of the Town.

Section 9. ENFORCEMENT

A. Nuisances:

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

B. Code Enforcement Officer:

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find any provision of this Ordinance is being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record by the Planning Board.

C. Legal Actions:

4. Boundary Marker:

A physical marker placed along a deeded lot line for the purpose of delineation of real property or used to prevent trespass. Boundary markers shall include: curbing, rocks, shrubbery, fences and other landscaping architecture. Boundary markers must provide for "safe sight height" for public safety. Boundary markers are not to be considered substitutes for surveyor's pins. (Amended: 6/9/2009)

5. Dwelling Unit:

A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family. The term shall include Mobile Homes.

6. Forest Management Activities:

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities.

7. Lot:

An area or parcel of land and/or water in the same ownership for which one deed exists recorded in the County Registry of Deeds; also, a parcel of land occupied or capable of being occupied by one structure and the accessory structures or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon a public street or a street in a subdivision which has been approved by the Planning Board. A lot has a "front lot line" on any street OR WATER BODY which it abuts; a "side lot line" abutting adjacent lots of common frontage and a "rear lot line" abutting lots not in common frontage. (Amended: 6/17/2002)

8. Mobile Home:

A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported one or more sections, by the use of its own chassis or placed on an independent chassis, to a building site; and which is ten (10) body feet or more in width and thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with utilities and include the plumbing, heating, air conditioning, and electrical systems contained therein.

9. 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 fixed location (like a slab) on the ground or attached to something having a fixed location on the ground, including but not limited to: roads and driveways, buildings, walls, porches, carports, decks, swimming pools, and billboards. Structures do not include boundary markers, utility poles and guy wires, mail boxes, temporary tents and awnings. (Amended: 6/9/2009)

10. Subdivision:

The division of a lot, tract, or parcel of land into three or more lots, within any five year period, whether accomplished by sale, lease, development, building, or otherwise as defined by Title 30, M.R.S.A. and Subsection 4956, as amended.

11. Tower: Such as transmission tower, windmills, antennas and similar structures having no floor area."

12. "Grandfathered lots: lots created before January 19, 1988." (Added May 18, 2015)

13. "Non-conforming lot: a single lot of record which, as of January 19, 1988, does not meet the area, frontage or width requirements of the district in which it is located." (Added May 18, 2015)

14. "Restaurant" means an establishment where food and drink are prepared and served to the public; all serving must be stopped by 10:00 p.m. The term includes establishments where alcoholic beverages are sold for consumption on premises, provided the service of alcoholic beverages is secondary to the service of food and that food is offered for sale at all times that alcoholic beverages are offered for sale. Service of alcoholic beverages is considered secondary to the service of food provided the gross receipts from the sale of alcoholic beverages do not exceed 1/3 of the establishment's gross receipts. (Added May 18, 2015)

15. "Bar, Tavern, or Lounge" means an establishment where the sale of alcoholic beverages for consumption on premises exceeds 1/3 of the establishment's gross receipts, regardless of whether other food and drink are prepared and served to the public. (Added May 18, 2015) (deleted 10/20/15 by vote at Special Town Meeting)

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Those Areas Zoned for Commercial Fisheries & Maritime Activities. b. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities.	40,000	200
c. Within the Shoreland zone Adjacent to Non-tidal Areas	None	None
Public and Private Recreational Facilities a. Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
	40,000	200

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure. Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structure

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback provided the land use is commercial in nature and directly water dependent.

In addition:

a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. All principal structures along Significant River Segments as listed in Title 38, M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

A municipality may, within its ordinance, authorize the Planning Board to increase the required setback of a proposed structure, as a condition to permit approval, if necessary, to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope, shallow or erodible soils; or where an adequate vegetative buffer does not exist.

2. Principal or accessory structures and expansions of existing structures that are permitted in Resource Protection, Limited Residential, Limited Commercial and Stream Protection Districts, and all residential structures in the CFMA, shall not exceed thirty-five (35) feet in height. *(Amended from 30 ft on May 18, 2015)*

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high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C and any other relevant state and federal agencies.

D. Campgrounds

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

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

E. Individual Private Campsites

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

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

F. Commercial and Industrial Uses

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

- a. Auto washing facilities;
- b. Auto or other vehicle service and/or repair operations, including body shops;
- c. Chemical and bacteriological laboratories;
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normal associated with individual households or farms;
- e. Commercial painting, wood preserving, and furniture stripping;
- f. Dry cleaning establishments;
- g. Electronic circuit assembly;
- h. Laundromats, unless connected to a sanitary sewer;
- i. Metal plating, finishing, or polishing;

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Section 12. NON-CONFORMANCE

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. Transfer of ownership: Non-conforming structures, lots, and uses may be transferred and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of the Ordinance.

2. Repair and Maintenance: The Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use of structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

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

Further Limitations:

a. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% (thirty percent) or more, during the lifetime of a structure.

b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or

Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

Section 9. DISTRICTS AND ZONING MAP

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development I
General Development II
5. Commercial Fisheries/Maritime Activities*
6. Stream Protection

*1992 Shoreland Zoning Ordinance Amendment

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map

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

Section 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and right of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

A. Maritime Activities District Boundaries

1. From the Northeasterly boundary of the Degenhardt lot, Map 1, Section 12, Lot 45, on the Northern shore of Moosabec Reach at Kelley Point, along the shoreline 250' back* and to the Northeasterly boundary of the fifty feet (50') public right of way to the shore, at the Southwestern boundary of A&A Properties Subdivision on Hopkins Point. *(Amended 6/17/2002)
2. Flake Point Sand Bar as shown of Tax Map 1, Section 5, Lot 69.

Section 11. LAND USE REQUIREMENT

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

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abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of Bureau of Land Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines with Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4506.

Current penalties include fine of not less than \$100.00 nor more than \$2,500.00 per violation for each day that the violation continues. The Board of Selectmen will be responsible for the assessment of any fines.

Section 17. DEFINITIONS

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

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

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

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

(New items indicated with an “**”)

MARITIME DISTRICTING AMENDMENT

Land Uses	Resource Protection	Limited Residential-Recreational	General Development	*Harbor District	*Maritime Activities District
1. Non-intensive recreation uses not requiring structures, such as hunting, fishing & hiking	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on roads, trails & snowmobiles	Yes	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes	<u>CEO</u>	<u>CEO</u>
4. Timber harvesting*	<u>CEO</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
5. Fire prevention activities	Yes	Yes	Yes	Yes	Yes
6. Wildlife management practices	Yes	Yes	Yes	Yes	Yes
7. Soil and Water conservation practices	Yes	Yes	Yes	Yes	Yes
8. Mineral exploration*	Yes	Yes	Yes	Yes	Yes
9. Surveying & resource analysis	Yes	Yes	Yes	Yes	Yes
10. Emergency operations as defined	Yes	Yes	Yes	Yes	Yes
11. Harvesting of wild crops	Yes	Yes	Yes	Yes	Yes
12. Agriculture*	PB	Yes	Yes	CEO	CEO
13. Principal Structures*					
a. Single family dwelling units	No	PB	PB	<u>No</u>	<u>No</u>
b. Two family dwelling units	No	PB	PB	<u>No</u>	<u>No</u>
c. Multi-family dwelling units (conversion)	No	PB	PB	PB	PB
d. Lodging units (not including Bed & Breakfast)	No	PB	PB	<u>PB</u>	<u>PB</u>
e. Commercial structures	No	No	PB	PB	PB
f. Industrial structures	No	No	PB	No	No
g. Governmental structures	No	PB	PB	PB	PB
h. Institutional structures	No	No	PB	PB	PB
14.a. Accessory Structures over 100 sq.ft.	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
14. b. Accessory Structures under 100 sq.ft.	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>PB</u>