Municipal Code of Ordinances

Town of Hartland, Maine

Adopted 3rd of May, 2025

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Article 1: An Ordinance to Revise and Codify the Ordinances of the Town of Hartland

Section 1101. Town of Hartland Code.

This ordinance, consisting of Section 1101 through Appendix A, both inclusive, is hereby adopted and enacted as the "Municipal Code of Ordinances of the Town of Hartland," and shall be treated and considered as a new and comprehensive ordinance which shall supersede all other ordinances passed by any duly constituted legislative authority of the Town of Hartland prior to the effective date of this ordinance, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 1102. Repeal.

All provisions of such Code shall be in full force and effect as provided in Section 1108 hereof and all ordinances of the Town of Hartland not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided. No resolution of the Town of Hartland, not inconsistent with any of the provisions of such Code or not specifically mentioned, is hereby repealed.

Section 1103. Matters not Repealed.

The repeal provided for in section marked 1102 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the town; or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness; or any contract or obligation assumed by the town; nor shall such repeal affect the administrative ordinances or resolutions of the Select Board or any prior duly constituted legislative authority, not in conflict or inconsistent with the provisions of such Code; nor shall such repeal affect any right of franchise granted by any ordinance or resolution of any preceding governing body to any person, firm or corporation; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way in the town of Hartland; nor shall such repeal affect ordinances prescribing traffic regulations for specific locations, prescribing through streets, parking prohibitions, parking limitations, one-way traffic, limitations on load of vehicles or loading zones, not inconsistent with such Code; nor shall such Code affect any amendment to the zoning map on file in the office of the town clerk; nor shall

such repeal affect any ordinance establishing and prescribing the street grades of any street in the town; nor shall such repeal affect any ordinance providing for local improvements and assessing taxes therefor; nor shall such repeal affect any ordinance dedicating or accepting any plat or subdivision in the town; nor shall such repeal affect any ordinance authorizing any encroachment on any town or public property; nor shall such repeal affect any ordinance or Code or parts thereof adopted by reference by any section of this Code and not included herein; nor shall such repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 1104. Amendments.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Select Board to make the same a part hereof, shall be deemed to be incorporated in such Code so that reference to the Town of Hartland Code shall be understood and intended to include such additions and amendments.

Section 1105. Public Information.

A copy of such Code, kept up to date by the town clerk, shall be kept on file in the office of the town clerk open to the public inspection during all business hours.

Section 1106. Separability.

This Code and every provision thereof shall be considered separable; and the invalidity of any section, provision or part or portion of any section, clause or provision of this Code or any ordinance adopted and made a part hereof shall not affect the validity of any other portion of this Code or any such ordinance.

Section 1107. Penalties.

It shall be unlawful for any person, firm, partnership, association, organization or corporation to violate or fail to comply with any provision of the Town of Hartland Code and where no specific penalty is provided therein, the violation of any provision of this Code shall be punished by a fine of not more than $100. Such fines shall be recovered on complaint to the use of the Town of Hartland. Each day any such violation shall continue shall constitute a separate offense and shall be punishable as such.

In all cases where a fine shall have been incurred by a minor, either parent, master or guardian shall be held liable therefore as provided.

Section 1108. Effective Date.

Such Code and any additions or amendments thereto shall be passed by the legislative body. The affirmative vote of a majority of the voting members shall be required for final passage. Annual amendments to Section 5210, General Assistance Maximums, intended to implement state-determined General Assistance Maximums may be passed and incorporated into this document by majority vote of the Select Board. Before final passing, such Code or any additions or amendments thereto shall be posted marked "Proposed Ordinance," at the Town Office and shall take effect and be in full force and effect after it shall have received final passage.

Chapter 2: Buildings

Article 1: Building and Property Maintenance Ordinance

Section 2101. Legislative Authority.

This ordinance is enacted pursuant to Maine Uniform Building and Energy Code (MUBEC) 10 M.R.S. §9721, *et seq*. and the State Legislature and pursuant to 30-A M.R.S.A. § 3001.

Section 2102. Purpose/Scope.

The purpose of this ordinance is to recognize the application of the Maine Uniform Building and Energy Code (MUBEC) in the Town of Hartland in accordance with state law and to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, property values, and to prevent nuisance conditions.

Section 2103. Application of MUBEC and Other Codes or Ordinances.

All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building and Energy Code (MUBEC). New construction, repairs, additions, relocations and placement of trailers, modular homes, mobile homes or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Maine Uniform Building & Energy Code, Maine Uniform Plumbing Code (32 M.R.S. §3403-B) and the National Electric Code (32 M.R.S. §1153-A). Additional codes in effect in conjunction are listed in Chapter 1 of the MUBEC - Administration Procedures.

Shoreland Zoning Ordinance for the Town of Hartland: Properties within the shoreland zone also adhere to the Shoreland Zoning Ordinance. In cases of differ or conflict, the provision imposing the greater restriction shall control.

Section 2104. Certificate of Occupancy.

The Town of Hartland does *not* currently issue certificates of occupancy. It is strongly recommended for property/home owners to communicate with their lender on their requirements for a certificate of occupancy. A letter stating that the town does *not* issue a certificate of occupancy can be obtained through the Code Enforcement Officer (CEO).

If population and/or law changes that require the town to issue a certificate of occupancy, a third-party inspector option will be utilized for issuance. The owners will be responsible to hire and pay directly to the third-party inspector for their own inspection fees performed. The third-party inspector would provide an inspection report and a written request to the CEO for issuance of a

certificate of occupancy. The town or CEO has no obligation *nor* will it review the inspection report.

Section 2105. Building Permits.

Before the placement, construction, alteration, relocation, repair or replacement of any building or part thereof, the owner or lessee or other architect, contractor or builder employed by such owner or lessee shall submit a completed building permit application. Applicant(s) will be notified if an application is incomplete and the specified material that is needed to make the application complete. The Code Enforcement Officer (CEO) and/or Planning Board shall request more information, approve, approve with conditions or deny an application request within 35 days of receiving a completed application.

Completed permits must be submitted at least 7 days prior to a scheduled board meeting to be included on that agenda and is also dependent on the workload. However, if the Planning Board has a waiting list of applications, a decision shall occur within 35 days after the first available date on the Planning Board's agenda following the receipt of the completed application, or within 35 days of a public hearing.

Permits must be approved and paid in full prior to the start of any work. All fees are non-refundable and non-transferable. "After the fact" building permit fees will be doubled. Building permits are valid for 12 months from the date of approval. Construction must begin within the 12 months from approval. Applicants may request a one-time 12-month extension with no additional fees ***prior*** to expiration or a new application must be submitted if the 12-month period has lapsed. New zoning or other changes may affect projects that do not begin within 12 months. Current fees are provided on the building permit application and may be adjusted over time by the Board of Selectmen.

Section 2106. Lot Size and Setbacks.

Existing lot sizes are accepted. All new lot sizes *not* included in the shoreland zone will *not* be less than twenty thousand (20,000) square feet and possess a minimum of one-hundred (100) feet of frontage. Required frontage - All lots herein created after the effective date of this ordinance shall possess a minimum frontage (1) on a road or (2) on a deeded private right-of-way, however that for backlots not part of a subdivision, this road frontage requirement shall not apply if a minimum twenty-five (25) feet wide access from a road to the backlot is provided by a deeded private right-of-way.

All new lots within the shoreland zone follow the Shoreland Zoning Ordinance.

Setbacks: All new buildings and structures with an exception for fences, well (water) and subsurface sewage disposal system shall be set at least twenty (20) feet away from *any* adjoining

and road/front lot lines. The road/front setback of fifteen (15) feet will apply for fences. The road/front setback allows for road work and improvements and will be measured from the nearest *edge* of the town road (state owned roads may differ and should be followed), right-of-way or applicable subdivision road (public or private).

On lots which *only* a residential structure/home exists, and it is not possible to place a non-dwelling accessory structure meeting the required setback, the CEO may issue a permit to place a single non dwelling accessory structure for storage purposes only. Such accessory structure shall not exceed 80 square feet* and located as far back as practical. *Shoreland zone properties may differ.

Section 2107. Accessory Dwelling Units, Additional Dwelling Units, and Recreational Vehicles/Campers and Tiny Homes.

Dwelling units shall be setback in accordance with Section 2106. Detached accessory and detached additional dwelling units shall be setback fifty (50) feet from another dwelling/living/residential structure. Dwelling units must contain complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Accessory dwelling units must be a minimum of 190 square feet. If the Technical Building Codes and Standards Board (Title 10, section 9722) adopts a different minimum size, that standard applies.

Note: Any residential structure/home/dwelling unit under 400 square feet also commonly referred to as a "tiny home" which does not meet certification as a recreational vehicle that is built on site *or* does *NOT* have a title by the Secretary of State falls under typical building code jurisdiction and follows MUBEC.

Recreational Vehicles/Campers/Tiny homes certified as a recreation vehicle shall be setback in accordance with Section 2106. A recreational vehicle placed on-site and occupied for more than one hundred and twenty (120) calendar 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 or served by public sewage facilities and connected to an approved water and power supply. *Shoreland zone properties may differ.

See Appendix A for definitions along with 30-A M.R.S.A. §4364, P.L. 2021, c. 672 (LD 2003), 30-A M.R.S.A. §4363 and other applicable Maine statutes for more information.

Section 2108. Required Grounds Maintenance Standards.

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in 17 M.R.S.A. §2802) and to avoid any

adverse effect on the value of adjoining properties. Grounds also include vacant land, vacant structures, accessory and appurtenant structures such as garages, sheds and fences. Unsafe or unsanitary conditions may include but not limited to: refuse, household trash, junk, discarded plumbing and heating supplies, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, waste and all scrap iron, steel, other ferrous or nonferrous material, debris, scrap lumber, inoperable machinery or part thereof, glass, unused and inoperable appliances, worn and unused furniture, and junked, unused and unserviceable vehicle(s).

Section 2109. Rodent Harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by an approved process which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 2110. Weeds; Vegetation.

All premises and exterior property that is normally maintained, shall be maintained free from weeds or plant growth in excess of eight (8) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this section shall not include cultivated flowers, gardens, agricultural areas or fields. Shoreland zone properties may differ.

Section 2111. Maintenance After Casualty Damage.

Within a period of ninety (90) days after casualty damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith. The Code Enforcement Officer (CEO) may grant an extension under certain hardship conditions.

Section 2112. Demolition; Repair.

The CEO may order the owner of any premises upon which is located any structure, which after review is deemed deteriorated, or dilapidated and become out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. A detailed action plan is submitted to the CEO in cases of a structure capable of being made safe or sanitary by repairs with options to temporarily board up and hold for future repair or to demolish. Where there has been a cessation of normal construction of any structure for a period of more than two years, the CEO may order the owner to demolish and remove such structure. Boarding up for future repair shall not extend beyond one year, unless approved by the CEO.

Section 2113. Transfer of Ownership.

It shall be unlawful for the owner of any property who has received a compliance order or upon whom a violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or the owner shall furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the CEO. The owner shall then furnish to the CEO a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The new owner shall have the right to continue an appeal timely commenced by the prior owner or to commence an appeal in the new owner's name, provided the time within which to appeal has not expired.

Section 2114. Liability for Violations and Corrective Actions.

Owners, occupants, mortgagees, mortgage holders, operators, and management companies of properties in violation of this chapter shall be jointly and severally liable for violations and for corrective actions required.

Section 2115. Enforcement; Violations and Penalties; Extensions.

The Code Enforcement Officer (CEO), 30-A MRSA §4451 (2-A) defines a Code Enforcement Officer (CEO) as an individual who is employed by a municipality and is certified to enforce all applicable laws and ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, external plumbing, or building standards.

The Code Enforcement Officer (CEO), or his or her designee, shall notify the violator, serving a written notice. Such notices shall be deemed to be properly served if a copy thereof is:

(1) A copy of the notice left at the individuals dwelling house or usual place of abode with some person of suitable age and discretion then residing therein;
(2) Sent by certified or first-class mail addressed to the last known address; or
(3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

The notice shall explain the nature of the violation and require corrective action within thirty (30) calendar days from the date of the notice to correct the violation, seven (7) days (maximum) for a health and or safety violation as determined by the CEO. The violator may appeal the CEO's decision to the Board of the Selectmen. Appeals must be made within three (3) working days of notification by the CEO of the violation. If the Board determines a violation to be true, the number of days given for compliance shall start after the Board of Selectmen has heard the appeal.

(1) If a violation is not corrected within the time allowed, the Town may pursue all remedies, including pursuit of a judge's order to abate the property and remove the material in violation at the property owner's expense provided in 30-A M.R.S.A. §3758-A. In addition, the Town may pursue relief available by law and/or in equity for land use ordinances, including without limitation, the remedies and relief provided in 30-A M.R.S.A. §4452, currently including, without limitation, a penalty of $100 to $2,500 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this chapter. The CEO may represent the Town in District Court, pursuant to Rule 80-K. However, should the services of the Town Attorney be required, in litigation in a higher court of law for example, the CEO shall first review the case with the Town Manager and Board of Selectmen.

(2) The Code Enforcement Officer (CEO) may offer one special extension per person/per incident of up to 180 days to violators of this ordinance under certain hardship or extenuating circumstances. If a violation is discovered during winter months (November 1 to April 1) and if winter weather prevents the correction of a violation, an extension may be given. Cases of disability or financial hardship shall also be grounds for the consideration of an extension. Violators requesting an extension for financial hardship shall be required to prove hardship through financial documentation. These extensions for seasonal, disability, or financial hardship shall be at the discretion of the CEO.

Section 2116. Severability Clause.

If any section, subsection, clause, paragraph, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 2117. Conflict with Other Laws.

Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this chapter shall be the one that is enforced.

Section 2118. Effective Date.

This ordinance shall be effective when approved by the voters of the Town of Hartland.

Adopted: June 5, 2023
Amended: May 4, 2024
Replaces the Property Maintenance Ordinance adopted May 4, 2013 and the Town of Hartland Building Ordinance adopted April 1998 (updated May 7, 2011).

Chapter 3: Business

Article 1: Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Hartland, Maine

Section 3101. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 3102. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3103. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 3104. Effective Date; Duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 3105. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. §4452.

Adopted: August 20, 2018

Chapter 4: Flood Plain

Article 1: Flood Plain Management Ordinance

Section 4101. Purpose and Establishment.

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

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

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

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

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

The areas of special flood hazard, identified by the Federal Emergency Management Agency in a map entitled "Flood Insurance Rate Map - Town of Hartland, Maine, Somerset County," dated January 1, 1991 is hereby adopted by reference and declared to be a part of this Ordinance.

Section 4102. Permit Required.

Before any construction or other development (as defined in Appendix A), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 4101, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Hartland, Maine.

Section 4103. Application for Permit.

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

(1) The name, address and phone number of the applicant, owner, and contractor;
(2) An address and a map indicating the location of the construction site;
(3) A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
(4) A statement of the intended use of the structure and/or development;
(5) A statement of the cost of the development including all materials and labor;
(6) A statement as to the type of sewage system proposed;
(7) Specification of dimensions of the proposed structure and/or development;

[Items 8-11 apply only to new construction and substantial improvements.]

(8) The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum, of the:
    a. base flood at the proposed site of all new or substantially improved structures, which in Zone A is determined to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
    b. highest and lowest grades at the site adjacent to the walls of the proposed building;
    c. lowest floor, including basement; and whether or not such structures contain a basement; and,
    d. level, in the case of non-residential structures only, to which the structure will be floodproofed;
(9) A description of an elevation reference point established on the site of all new or substantially improved structures;
(10) A written certification by a registered land surveyor that the elevations shown on the application are accurate;
(11) Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 4103(8)(d); Section 4106(7); and other applicable standards in Section 4106;
(12) A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
(13) A statement of construction plans describing in detail how each applicable development standard in Section 4106 will be met.

Section 4104. Application Fee and Expert's Fee.

A non-refundable application fee of $40.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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.

Section 4105. Review of Flood Hazard Development Permit Applications.

The Code Enforcement Officer shall:

(1) Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 4106 (Development Standards) have, or will be met;
(2) Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Hartland, Maine," as described in Section 4101. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Section 4103(8)(a); Section 4106(9); and Section 4108(4), in order to administer Section 4106 of this Ordinance;
(3) Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 4101 of this Ordinance;
(4) In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
(5) Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
(6) Issue one of the following Flood Hazard Development Permits based on the type of development:
    a. Issue a two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first

horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Section 4106, paragraphs 6, 7, or 8. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

b. Issue a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 4106(7) paragraphs a, b, and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

c. Issue a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, or renovations, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, towers, fencing, and pipelines.

(7) Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 4109 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 4103, 4106, and 4107 of this Ordinance.

Section 4106. Development Standards.

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

(1) New construction or substantial improvement of any structure and all other development shall:

a. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. use construction materials that are resistant to flood damage;

c. use construction methods and practices that will minimize flood damage; and,
d. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and· other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(3) All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(4) On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

(5) All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

(6) New construction or substantial improvement of any residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 4103(8)(a); Section 4105(2); or Section 4108(4).

(7) New construction or substantial improvement of any non-residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 4103(8)(a); Section 4105(2); or Section 4108(4), or together with attendant utility and sanitary facilities shall:

a. be floodproofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 4103(8)(a); Section 4105(2); or Section 4108(4), so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 4103(11) and shall include a record of the elevation above mean sea level of the lowest floor including basement.

(8) New or substantially improved manufactured homes located within Zone A shall:

a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation utilizing information obtained pursuant to 4103(8)(a); Section 4105(2); or Section 4108(4); and,

b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
    i. over-the-top ties anchored to the ground at the four corners of the• manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
    ii. frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
    iii. all components of the anchoring system described in Section 4106(8)(b) paragraphs i and ii shall be capable of carrying a force of 4800 pounds.

(9) Floodways: Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas is the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
    a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
    b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).

(10) New construction or substantial improvement of any structure in Zone A that meets the development standards of Section 4106, including the elevation requirements of Section 4106, paragraphs 6, 7, or 8 and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
    a. Enclosed areas are not "basements" as defined in Appendix A; and,
    b. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
        i. be certified by a registered professional engineer or architect; or,
        ii. meet or exceed the following minimum criteria:
            1. a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

2. the bottom of all openings shall be no higher than one foot above the lowest grade; and,
3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

c. The enclosed area shall not be used for human habitation; and,
d. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

Section 4107. Certificate of Compliance.

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

(1) For New Construction or Substantial Improvement of any structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Section 4106, paragraphs 6, 7, or 8.
(2) The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
(3) Within 10 working days, the Code Enforcement Officer shall:
    a. review the Elevation Certificate and the applicant's written notification; and,
    b. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

Section 4108. Review of Subdivision and Development Proposals.

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

(1) All such proposals are consistent with the need to minimize flood damage.
(2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
(3) Adequate drainage is provided so as to reduce exposure to flood hazards.
(4) All proposals include base flood elevation and, in a riverine floodplain, floodway data.

(5) Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Section 4106 of this ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Section 4109. Appeals and Variances.

The Board of Appeals of the Town of Hartland may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

(1) Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
(2) Variances shall be granted only upon:
    a. a showing of good and sufficient cause; and,
    b. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
    c. a showing that the existence of the variance will not cause a conflict with other state, federal or local laws or ordinances; and,
    d. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
        i. that the land in question cannot yield a reasonable return unless a variance is granted; and,
        ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
        iii. that the granting of a variance will not alter the essential character of the locality; and,
        iv. that the hardship is not the result of action taken by the applicant or a prior owner.
(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
    a. other criteria of Section 4109 and Section 4106(9); and,
    b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
(5) Variances may be issued by a community for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
    a. the development meets the criteria of Section 4109, paragraphs 1 through 4 above; and,
    b. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(6) Any applicant who meets the criteria of Section 4109, paragraphs 1 through 5 shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
    a. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
    b. such construction below the base flood level increases risks to life and property; and,
    c. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
(7) The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

Section 4110. Enforcement and Penalties.

(1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
(2) The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this ordinance.

(3) In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

a. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
b. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
c. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
d. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
e. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Section 4111. Validity and Severability.

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

Section 4112. Conflict With Other Ordinances.

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

Section 4113. Definitions.

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

Section 4114. Abrogation.

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

Adopted: February 25, 1998
Effective: February 25, 1998

Chapter 5: General Welfare

Article 1: An Ordinance Establishing a Curfew Within the Town of Hartland

Section 5101. Title and Purpose.

WHEREAS, there has been an increase in juvenile violence and property crimes, and an increased presence of juvenile gang activity in the Town of Hartland; and

WHEREAS, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and gang-related activities, and to victimization by older perpetrators of crime; and

WHEREAS, the Town of Hartland is obligated to provide for: the protection of minors from each other and from other persons, the protection of the health, safety, and welfare of the general public, and the reduction of juvenile crime, violence, and gang-related activity in the Town; and

WHEREAS, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDERED BY THE TOWN OF HARTLAND, MAINE:

This ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Hartland, Maine.

Section 5102. Offenses.

a. It shall be unlawful for a minor to remain in a public place during curfew hours.
b. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

Section 5103. Defenses.

It is a defense to prosecution under Section 5102 of this ordinance that the minor was:

a. accompanied by the minor's parent or guardian;
b. involved in an emergency or on an errand necessitated by an emergency;
c. engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;
d. in a motor vehicle involved in interstate travel,
e. on an errand directed by a parent or guardian, without any detour or stop;
f. on the sidewalk abutting the minor's home;

g. attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;
h. attending a recreational activity sponsored by the Town of Hartland, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;
i. exercising rights protected by the First Amendment of the United States Constitution:
j. married, or otherwise legally emancipated.

Section 5104. Enforcement.

Any officer of the Maine State Police or the Somerset County Sheriff's Department, as well as any officer employed by the Town of Hartland receiving a complaint or observing an apparent violation of this ordinance shall have authority to investigate, enforce this ordinance, and issue appropriate summonses.

Before taking any action to enforce this ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification. If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 5103 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purpose of contacting the minor's parent or guardian to come to take control of the minor. The police officer may summons the minor and the minor's parent to the District Court for violation of this ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, M.R.S.A. Title 17-A, Sec 1-7.

Section 5105. Penalties.

a. The penalty for a minor who violates this ordinance shall be:
   (1) for the first offense, five hours of community service and a fine of up to $50.00; and
   (2) for each subsequent offense, ten hours of community service and a fine of up to $100.00.
b. The penalty for a parent or guardian who violates this ordinance shall be:
   (1) for the first offense, a fine of $50.00; and

(2) for each subsequent offense, a fine of $100.00.

Section 5106. Severability.

If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Adopted: August 6, 2009

Effective: August 6, 2009

Article 2: General Assistance Ordinance

Section 5201. Statement of Policy.

The Municipality of Hartland administers a general assistance ("GA") program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. §§ 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. “Trauma-informed services” means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families, and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. “Culturally and linguistically appropriate services” means services that are designed to serve culturally diverse populations in a person’s preferred language; function effectively within the context of cultural belief, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person’s community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance

appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (see Section 5205.6).

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. (22 M.R.S. § 4306).

The Administrator will post notice stating the day(s) and hours the Administrator will be available. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

The administrator will complete training including, but not limited to, the purpose of the general assistance program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the general assistance program's administration, procedures, and requirements no later then 120 days after appointment or election. (22 M.R.S. 4302-A).

Section 5202. Definitions.

Section 5202.1. Common Meanings of Words.

Unless otherwise apparent or defined, all words in this Article will have their common meaning.

Section 5202.2. Special Definitions.

See Appendix A for definitions.

Section 5203. Administrative Rules and Regulations.

Section 5203.1. Confidentiality of Information.

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of his or her records to the specified parties. Whenever the Administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the Administrator commits a Class E crime. (22 M.R.S. §§ 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 5203.2. Maintenance of Records.

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;

- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

Section 5204. Application Procedure.

Section 5104.1. Right to Apply.

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Section 5204.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that he/she is authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. §§ 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and he/she cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with his or her permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. §§ 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and interviews given only during the regular hours established and posted by the Administrator. In an emergency, however, the Administrator or his or her designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 5204.2. Application Interview.

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 5204.3. Contents of the Application.

An application must contain the following information:

a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
c) the total number of individuals living with the applicant;
d) employment and employability information;
e) a listing of all household income, resources, assets, and property;
f) the applicant's household expenses;
g) the types of assistance requested;
h) a statement of the penalty for false representation;
i) the applicant's permission for the Administrator to verify information;
j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification

records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 5204.4. G.A. Administrator's Responsibilities at the Time of Application.

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that he/she must reimburse the municipality the amount of GA benefits he/she has been granted if he/she

subsequently has the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (See Section 5208, "Recovery of Expenses'). (22 M.R.S. §§ 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "Interim Assistance Agreement" lien, described in Section 5208, "Recovery of Expenses."

Section 5204.5. Responsibilities of the Applicant at Time of Application.

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
b) has been seeking employment, if previously unemployed or employed on a part- time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator in order to diminish the applicant’s need for general assistance. (22 M.R.S. §§ 4316-A, 4317).

Section 5204.6. Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5205.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
b) the period of eligibility if the applicant is eligible for assistance;
c) the specific reasons for the Administrator's decision;
d) the applicant's right to a fair hearing; and
e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally. (22 M.R.S. § 4321).

Section 5204.7. Withdrawal of an Application.

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 5204.8. Temporary Refusal to Accept Application.

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;
c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 5204.9. Emergencies.

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless he/she is disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § 5205.5, 5205.6, 5205.7, 5205.8, 5205.9 or 5206.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that he/she needs assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

a) after interviewing the applicant, the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
b) the applicant submits documentation, when possible, to verify his or her need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed. (22 M.R.S. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized

representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting his or her home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but he or she spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including ail costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn, or other lodging place.

Section 5204.10. Residence.

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 6 months after he/she moves Including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

Section 5205. Eligibility Factors.

A person will be eligible for GA if he/she is an "Eligible Person" as defined in Appendix A, is in need, and has complied with the eligibility requirements set forth below. (For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)).

Section 5205.1. Initial Application.

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (see Section 5205.5) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

"Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other r sources are less than the overall maximum level of assistance contained in Ordinance § 5206.8 or the applicant's 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat

applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5205.1A. Presumptive Eligibility.

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period- of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5205.1B. Recovery Residences.

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issues to the operator of the certified recovery residence instead of to a landlord.

Section 5202.2. Eligibility for Categorical Assistance.

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Section 5206.7 subsection (c) under “Types of Income.” For several additional exceptions please refer to the definition of "Income" in this Ordinance (see Appendix A).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith

effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5205.3. Personal Property.

a) Liquid Assets.
No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.
No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Appendix A or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.
Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than $8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than $8,000. Any income received by the applicant by virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).
The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is $8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as

"misspent" income. GA for travel-related needs shall be computed in accordance with Section 5206.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.
Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.
Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred his or her assets in order to be eligible for GA whenever property is sold for less than the fair market value. or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5205.4. Ownership of Real Estate.

a) Principal Residence. Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:
    1. The applicant has received GA for the last 120 consecutive days; and
    2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
    3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
    4. The land is not utilized for the maintenance and/or support of the household; and
    5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
    6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property. If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:
    1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
    2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

    If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient (see also Section 5206.8). 22 M.R.S. § 4320.

Section 5205.5. Work Requirement.

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (see "Exemptions"). Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

a) refuse to register for employment with the Maine Job Service;
b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
c) refuse to accept a suitable job offer;
d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
e) fail to be available for work; or
f) refuse to participate or participate in a substandard manner in the municipal work program (see Section 5205.6).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (see definition in Appendix A) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. §§ 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

a) the applicant has a physical or mental illness or disability which prevents him/her from working;
b) the work assignment pays below minimum wages;
c) the applicant was subject to sexual harassment;
d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law. The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Section 5205.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

a) a dependent minor child;
b) an elderly, ill, or disabled person; and
c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

Section 5205.6. Municipal Work Program.

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Section 5205.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Section 5208). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
4) In no case will work performed under this subsection interfere with an eligible person's:
    a. existing employment;
    b. ability to follow up on a bona fide job offer;
    c. attendance at an interview for possible employment;
    d. classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
    e. classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.
5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).
   If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).
7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance

from the eligible person that he/she is willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:
    a. a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
    b. the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
    c. the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
    d. the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
    e. the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
    f. any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Section 5206.10.

5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see Section 5205.5 “Dependents").
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number. of hours the recipient must work.
- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.

- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5205.7. Use of Resources.

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce his or her need for GA (see Appendix A definition of "Resources"). Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

1) the minor is residing in a foster home, maternity home, or other adult- supervised supportive living arrangement; or
2) the minor has no living parent or the whereabouts of both parents are unknown; or
3) no parent will permit the minor to live in the parent's home; or
4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for GA will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize. or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture-unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5205.8. Period of Ineligibility.

No one will have his or her GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. §§ 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (see Sections 5205.5, 5205.6). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (see Section 5206.4, "Fraud"). The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5205.9. Unemployment Fraud.

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

Section 5206. Determination of Eligibility.

Section 5206.1. Recognition of Dignity and Rights.

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 5206.2. Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the

applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 5206.3. Verification.

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (see

below). However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results; (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant - except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- Landlords
- Employers
- Persons with whom the applicant/recipient is a cohabitant
- Legally and non-legally liable relatives
- Financial institutions
- Physicians

- Creditors
- Utility companies
- DHHS, any other department or agency of the state, or nonprofit organizations

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. §§ 4314(5), 4314(6), 4315).

Section 5206.4. Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for GA, the Administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of his or her right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Section 5207 of this Ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 5206.5. Period of Eligibility.

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month.

(22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 5206.6. Determination of Need.

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Section 5206.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) (see Section 5204.9).

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Section 5206.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (See Ordinance Sections 5210.1 – 5210.8). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's

prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance, Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for "unforeseen" repeat applicants (See Section 5206.3), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and, in such case, will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work-related purposes
- Costs of trips or vacations
- Paid court fines
- Pet care costs
- Cigarettes/alcohol
- Gifts purchased
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income. (22 M.R.S. § 4315- A). Those additional requirements will be applied in the following manner:

1) The Administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
4) If the applicant does not spend his or her income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Section 5206.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (see Section 5204.9). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Section 5206.8 for specific basic necessities except in an emergency or when the Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 5206.7. Income.

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Section 5206.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Section 5206.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) (see Section 5204.9). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

a) Earned Income. Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.
   Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).
b) Income from Other Assistance or Social Services Programs. State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps

or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period. The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) Court-Ordered Support Payments. Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) Income from Other Sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

e) Earnings of a Son or Daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) Income from Household Members. Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for

the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) The Pooling or Non-Pooling of Income. When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

   One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

   If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

h) Lump Sum Income. A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required payments (i.e., any third- party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

   Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

   1. identify the date the lump sum payment was received;
   2. subtract from the lump sum payment all required payments;
   3. subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education,

training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can.be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));

4. add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
5. divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 5206.8. Basic Necessities; Maximum Levels of Assistance.

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Sections 5210.2 – 5210.8, an applicant's eligibility for GA will be first determined by subtracting his or her income from the overall maximum level of assistance designated in 5210.1 for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Section 5204.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

Note. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn, or other lodging place.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

A. Food. The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Section 5210.2 for the current year's food maximums.
   In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products. The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

B. Housing. The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Section 5210.3 for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum

dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

1. the marketability of the shelter's equity;
2. the amount of equity;
3. the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
4. the extent to which liquidation may aid the applicant's financial rehabilitation;
5. a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
6. the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
7. the likelihood that the provision of housing assistance will prevent such dislocation; and
8. the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

1. the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
2. there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
3. the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

a. the property tax in question is for the applicant's place of residence;
b. there is a tax lien on the property which is due to mature within 60 days of the date of application;

c. as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
d. the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Section 5210.3 for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

C. Utilities. Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to Section 5204.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (see Section 5204.9; 5206.3). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is

the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Section 5210.4 for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Section 5210.4 for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

D. Fuel. Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.
Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Section 5204.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Section 5204.9. See Ordinance Section 5210.5 for the current year's fuel maximums.

E. Personal Care and Household Supplies. Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Section 5210.6 for the current year's personal care and household supplies maximums.

F. Other Basic Necessities. Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1. Clothing. The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
2. Medical. The municipality will pay for essential medical expenses, other than hospital bills (see below), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.
   Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.
   Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. in addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.
3. Hospital Bills. In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified

mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Section 5206.6.

4. Dental. The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
5. Eye Care. In order to be eligible to receive GA for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
6. Telephone Charge. A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-

related reasons exist and/or for any other reasons the Administrator deems necessary.

7. Work-Related Expenses. In determining need, reasonable and actual work- related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Section 5210.7 for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
8. Travel Expenses. In determining need, necessary travel which is not work- related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Section 5210.7 for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.
9. Burials, Cremations. Under the circumstances and in accordance with the procedures and limitations described below (see Section 5206.9), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. Section 5210.8 for the current maximums.
10. Capital Improvements. The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:
    (1) the failure to do so would place the applicant(s) in emergency circumstances;
    (2) there are no other resources available to effect the capital repair; and
    (3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

    In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (8) "Liens", above.

Section 5206.9. Burials; Cremations.

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director's receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Section 5204.10.

Although legally liable relatives may not be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the

deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or

cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Section 5210.8 for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family members, the Administrator may issue GA for cremation services. See Ordinance Section 5210.8 for the maximum assistance levels for cremations.

Section 5206.10. Notice of Decision.

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) (see Section 5204.6).

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of "ineligibility" and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Section 5204.6, the notice of decision will include a statement that:

a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
b) the applicant has the right to contact the DHHS if he or she believes the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct

municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

Section 5207. The Fair Hearing.

Section 5207.1. Right to a Fair Hearing.

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 5207.2. Method of Obtaining a Fair Hearing.

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

a) the decision on which review is sought;
b) the reason(s) the claimant is dissatisfied and why the claimant believes he/she is eligible to receive assistance; and
c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

a) be his or her own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
b) confront and cross-examine any witnesses presented at the hearing; and
c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also .be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 5207.3. The Fair Hearing Authority.

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

a) have not participated in the decision which is the subject of the appeal;
b) be impartial;
c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 5207.4. Fair Hearing Procedure.

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, he/she will also be given adequate information about the hearing procedure to allow him/her to effectively prepare his or her case. The claimant shall be permitted to review his or her file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;

b) be opened with a presentation of the issue by the FHA;
c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to. appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

a) a death or serious illness in the family;
b) a personal illness which reasonably prevents the party from attending the hearing;
c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 5207.5. The Fair Hearing Decision.

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

a) a statement of the issue;
b) relevant facts brought out at the hearing;
c) pertinent provisions in the law or GA ordinance related to the decision; and
d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she may appeal pursuant to Maine Rule of Civil Procedure, Rule BOB. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

Section 5208. Recovery of Expenses.

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall "offset" the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers' Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers' Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient

who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers' Compensation. Any GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until he or she provides the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

Section 5209. Severability.

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

Section 5210. General Assistance Maximums. October 1, 2023 to September 30, 2024.

GA Hotline Phone Number: 1-800-442-6003

Section 5210.1. Overall Maximums.

Persons in Household				
1	**2**	**3**	**4**	**5**
$897	$931	$1,140	$1,487	$1,612
Household of 6 = $1,687 *Add $75 for each additional person				

Section 5210.2. Food Maximums.

Persons	Weekly	Monthly
1	$67.91	$292
2	$124.65	$536
3	$178.60	$768
4	$226.74	$975
5	$269.30	$1,158
6	$323.26	$1,390
7	$357.21	$1,536
8	$408.37	$1,756
Add $220 per month for each + person		

Section 5210.3. Housing Maximums.

	UNHEATED		HEATED	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	$178	$765	$205	$880
1	$178	$765	$212	$912
2	$214	$920	$260	$1,117
3	$284	$1,220	$339	$1,460
4	$299	$1,287	$367	$1,580
Recovery Residence			$159	$684

Section 5210.4. Electric.

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is not automatically entitled to the “maximums,” established applicants must demonstrate need.

Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, lights, cooking, and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$85.50
2	$22.52	$96.50

3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50
For each additional person, add $10.50 per month.		

Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, lights, cooking, and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50
For each additional person, add $14.50 per month.		

Section 5210.5. Heating Fuel.

Month	Gallons
January	225
February	225
March	125
April	125
May	50
June – August	0
September	50
October	100
November	200
December	200
NOTE: When the dwelling unit is heated electrically, the maximum amount allowed or heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal, and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.	

Section 5210.6. Personal Care and Household Supplies.

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00

7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

Section 5210.7. Mileage Rate.

50 cents ($0.50) per mile

Section 5210.8. Funeral Maximums.

Burials	$1,620+
Cremations	$1,125+

Section 5210.9. Supplement for Households with Children Under 5.

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Chapter 6: Governance

Article 1: Board of Appeals Ordinance

Section 6101. Establishment.

The Town of Hartland hereby establishes a Board of Appeals pursuant to 30-A M.R.S.A. §2691 and 30-A M.R.S.A. §3001. The board which has been acting as a Board of Appeals is hereby re-established as the Board of Appeals. The members currently serving may continue to do so until the end of the term for which they were appointed without the need to be reappointed or take a new oath of office. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted Board of Appeals of the Town of Hartland.

Section 6102. Appointment.

A. Board members shall be appointed by the municipal officers and sworn by the municipal clerk or other person authorized to administer oaths.
B. The board shall consist of five (5) regular members.
C. Regular members shall serve five (5) year staggered terms, except the initial appointments shall be one member for three (3) years, two members for four (4) years, and two members for five (5) years.
D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The municipal officers may remove members of the board by majority vote, after providing notice and an opportunity for a hearing.
E. Neither a municipal officer nor his/her spouse may serve as a member of the Board of Appeals.
F. No person shall serve as a member of the Board of Appeals and the Planning Board at the same time.
G. Local residency is not required to serve on the Board of Appeals.

Section 6103. Organization, Rules and Procedures.

A. The board shall elect a chairperson, vice chairperson and secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.

B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
C. No meeting of the board shall be held without a quorum consisting of three (3) members authorized to vote. The board shall act by majority vote of the members present and voting.
D. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called any time by the chairperson or by a majority of the members. Notice of regular special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

Section 6104. Duties and Powers.

A. The Board of Appeals may adopt bylaws governing board functions.
B. The Board of Appeals may adopt rules and procedures for transaction of business and the secretary shall record the meeting minutes keeping a record of its resolutions, transactions, correspondence, findings and determinations. The minutes are turned into the municipal clerk for proper filing.
C. The Board of Appeals shall file all bylaws, rules and procedures and subsequent revisions with the municipal clerk. Copies shall be provided to the municipal officers for their information.
D. The Board of Appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.
E. Appeals authorized by ordinance.

The board shall also have the power to hear and decide, using an appellate review standard when the Planning Board is involved and a de novo review standard when the code enforcement officer is involved, all appeals by any person aggrieved where it is alleged that there is an error in any order, requirement, decision or determination made by or failure to act by the code enforcement officer or Planning Board pursuant to any ordinance that expressly authorizes an appeal to the board.

Section 6105. Severability Clause.

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

Adopted: May 4, 2024

Effective: May 4, 2024

Article 2: Planning Board Ordinance

Section 6201. Affirm Planning Board Establishment: Governing Laws.

Pursuant to Article VIII, part 2, Section 1 of the Maine Constitution and 30-A M.R.S. § 3001, the Town of Hartland hereby affirms establishment of the Town of Hartland Planning Board ("Planning Board" or "Board") that as of and after the Effective Date shall be governed by this Planning Board Ordinance ("Ordinance") and all other applicable laws and regulations.

Section 6202. Eligibility; Appointment; Vacancy; Removal.

A. Board members shall be registered voters of Hartland. Further, to be eligible, a person must live and reside in Hartland at least 10 out of 12 months of a calendar year.
B. The Board of Selectmen, shall appoint members of the Planning Board and shall be sworn in by the Town Clerk or other person authorized to administer oaths.
C. The Board shall consist of five (5) regular members and two (2) alternates members.
D. A member of the Board of Selectmen or their immediate family may not serve as a member or alternate member of the Planning Board, unless the immediate family member was appointed to the Planning Board prior to the member of the Board of Selectmen running for office.
E. The Term of each shall be three (3) years, except the initial appointments, or in the case of appointment of the entire board, which shall be 1 for 1 year, 2 for 2 years, and 2 for 3, years. The term of office of alternate members shall be three (3) years.
F. When there is a permanent vacancy, the Board of Selectmen, shall appoint a person to serve for the unexpired term. A vacancy shall occur (i) upon the resignation or death of any member; (ii) when a member ceases to be a voting resident of the town or otherwise be eligible to be a member of the Board; (iii) when a member misses four (4) consecutive meetings without reasonable cause; or (iv) fails to attend at least 75% of the meetings during the preceding twelve (12) month period without reasonable cause. When a vacancy occurs, the Planning Board shall advise the Town Manager of such vacancy.
G. In determining whether there is cause to remove a Board member, the Planning Board shall notify (in writing) the member in question, and the Board of Selectmen. If the Board of Selectmen decides that removal may potentially be appropriate, a hearing before the Board of Selectmen shall be conducted to determine whether there is just cause to remove a member. Upon finding just cause to remove a member, the Board of Selectmen may declare a vacancy and shall provide their written findings to the member, and the Planning Board, within seven days (7) of the Board of Selectmen's decision.

Section 6203. Organization and Rules.

A. The Planning Board shall elect a Chairperson and Vice Chairperson from its membership. The Chairperson and Vice Chairperson shall be from its regular members. A secretary

may be from members of the Board or from outside of the Board. The terms of all offices shall be for one (1) year with eligibility for re-election.

B. When a member is unable to act because of conflict of interest, bias, physical incapacity, lateness or absence, the Chairperson shall designate an alternate as a voting member for that relevant portion of the meeting.
C. An alternate member may attend all meetings of the Board and participate in its' proceedings but may vote only when that person has been designated by the Chairperson to sit for a member.
D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.
E. No meeting of the Board shall be held without a quorum of three (3) members or alternate members authorized to vote. The Board shall act by majority vote of the members present and voting.
F. The Planning Board shall establish a regular meeting schedule that anticipates meeting at least once a month. The Planning Board may also have such other special or emergency meetings as the circumstances may require.

Section 6204. Duties and Powers.

A. The Planning Board shall adopt bylaws and/or rules governing the Planning Board procedures and functions not inconsistent with this Ordinance and the laws and regulations governing the Planning Board.
B. The Secretary and/or the Code Enforcement Officer or other designee shall keep a record of its resolutions, transactions, correspondence, findings, and determinations of the Planning Board.
C. The Planning Board shall file all bylaws and/or rules and any subsequent revisions with the Town Clerk. Copies shall be provided to the Board of Selectmen for their information.
D. The Planning Board shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Hartland and the laws of the State of Maine.
E. The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Section 6205. Savings Provision.

The affirmation of the Planning Board's establishment through this Ordinance shall not nullify or in any way affect any prior actions taken the Hartland Planning Board.

Section 6206. Severability Clause.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance. The effective date of this ordinance is June 5, 2023 ("Effective Date").

Section 6207. Amendments.

This Ordinance may be amended by majority vote of the Hartland Town Meeting.

Adopted: June 5, 2023

Effective: June 5, 2023

Chapter 7: Health & Safety

Article 1: Animal Control Ordinance

Section 7101. In General.

Section 7101.1. Purpose.

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Hartland.

Section 7101.2. Relation to County and State Animal Regulations.

It is the intent of the Selectmen, as empowered by the Town Meeting, that the animal control regulations of this ordinance shall supplement and exceed the animal control regulations of the county and the state where no higher restriction is in effect insofar as these regulations conflict with, or refer to the animal control regulations of the county or of the state or regular matters not regulated by the county or state, these regulations *will* apply within the Town of Hartland.

Section 7101.3. Definitions.

For the purposes of this Ordinance, the following terms, phrases and words listed in Appendix A shall be interpreted to read as follows and any words not herein defined shall be construed in the context in M.S.R.A. Title 7, Chapters 717 through 739 or M.R.S.A. Title 17, Chapter 42 and by ordinary interpretation, and not as a word of art.

Section 7101.4. Reimbursement of Damage done by Animals.

a. **Injuries and damages by an animal**, when an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured. (M.R.S.A. Title 7, § 3961-1).
b. **Injuries by dog**, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner. (M.R.S.A. Title 7, § 3961-2).

Section 7101.5. Attack on Service Animal.

a. A person who owns or keeps a dog that attacks, injures or kills a service animal while the service animal is in discharge of its duties commits a civil violation for which a forfeiture of not more than $1,000 may be adjudged. (M.R.S.A. Title 7, § 3961-A);
b. When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service animal for any veterinary bills and necessary retraining costs or replacement costs or the service animal if it is disabled or killed.

Section 7101.6. Damage to Livestock or Pets by Animals.

a. The owner or keeper of an animal that due to negligence of the animal's owner/keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed $100 may be adjudged in addition to costs. (M.R.S.A. Title 7, § Subsection 3962-A-1);
b. A person who suffers damage as a result of a violation of this section may also pursue a civil action against the owner/keeper of the animal pursuant to section 3961. (M.R.S.A, Title 7, § 3962-A-2);
c. The only exception to this is if the owner/keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leashed or controlled on the owner/keeper's property at the time of the killing or injury then the owner or keeper is not liable under this section or section 3961. (M.R.S.A. Title 7, § 3962-A-3).

Section 7101.7. Vaccinations**.**

It shall be unlawful for any person to keep a dog, cat or other domestic animal in Town that has not been vaccinated against rabies and any other disease in accordance with rules adopted by the state commissioner of human services.

State law reference— *Rabies vaccination required for dogs, M.R.S.A. Title 7§ 3922-3; rabies vaccination required for cats, M.R.S.A. 7 § 3916.*

Section 7101.8. Enforcement.

Any violation of this chapter shall be a civil violation which shall be prosecuted through the issuance of a civil summons by the ACO or duly authorized law enforcement officer, including game warden in the same form and the same manner of prosecution that would be the case for any other civil violation.

Section 7101.9. Penalties.

a. For an initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than one hundred dollars ($100) nor more than two hundred and fifty dollars ($250). In determining the amount to be forfeited, the court shall consider any

evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. The penalty shall be increased by a minimum of $50 above the penalty for the immediately preceding violation. All penalties awarded, and all the sums recovered, shall accrue to the benefit of the Town of Hartland. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay court costs.

b. For purposes of illustration of the penalty provision only, if an owner were found in a single court proceeding, to have committed four violations, and if the penalty for the initial violation were set at $100, then the penalties for the seceding violations would be $150, $200 and $250, for a total of $700 in penalties; similarly, if there occurred thereafter a second enforcement action for a new single violation against the same owner and if there were a finding of a violation, then the penalty for the violation would be $300.

State law reference— *Similar provisions, M.R.S.A. Title 7 § 3915.*

Section 7102. Dogs.

Section 7102.1. Purpose of Section.

It is the stated purpose of this section to allow for the keepers and owners of dogs, consistent with local or state ordinances, to enjoy the companionship of their dogs. It is also a stated purpose of this chapter to provide a mechanism for recourse against those dog owners or keepers who allow their animals to habitually and unreasonably cause a public nuisance. It is further a stated purpose of this chapter to incorporate the powers and penalties of the Animal Welfare Act of the state, M.R.S.A. Title 7 § 3901 et seq., so as to provide the enforcement authority described in this chapter with broad powers to protect the health, safety and welfare of the public and to provide for the humane and responsible treatment of dogs and domestic pets.

Section 7102.2. Dog Licenses and Rabies Tags.

a. License. Each owner or keeper of a dog at the age of 6 months or more, on or before January 1st each year, shall obtain a license from the municipality where the dog is kept or within 10 days of ownership or at the age of six months. Before the town issues the required license for any animal, requiring a rabies vaccination, the owner must show proof of current immunization against rabies as prescribed by state statute and/or by state rules and regulations. If a person applying for a license declares that the dog is a wolf hybrid, rules and regulations under Title 7, Chapter 721 must apply. Licenses expire December 31st annually and are available on October 15 for the upcoming year. The license tag indicating the year the license is issued must be securely attached to a collar of leather, metal or material of comparable strength and the collar is to be worn at all times

by the dog for which the license was issued. Beginning *February 1* each year a late fee of $25.00 is charged, per dog, in addition to the license fee. **Exceptions:** A dog is not required to wear a tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce proof of licensure and proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

b. Rabies Tags. The owner or keeper shall ensure that a rabies tag obtained from a veterinarian for immunization against rabies is securely attached to a collar as per "a" above and must be worn unless it fits the above exception category.

State law reference— *Dog licenses, M.R.S.A., Title 7 § 3921; 3922; 3923-A; 3923-B; 3923-C*

Section 7102.3. Running at Large Prohibited, Fees and Certain Public Areas of Restriction**.**

a. It shall be unlawful for any dog, licensed or unlicensed, to run at large. No owner shall cause or permit any dog owned or kept by him/her or in his/her possession or under his/her control to run at large within the Town. A dog, while in or on any public way or place, or in or on any other place, except as hereinafter provided, shall be under restraint, within the meaning of this ordinance, if it is controlled by a leash, cord, chain, or "at heel" or under the control of the person and obedient to that person's command, or on or within a vehicle driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing or restraint of any dog while on its owner's or keeper's premises, or in or on any premises used or occupied as a dwelling house.

b. If a dog is found running at large, the ACO will do his/her best to locate the owner/keeper of a dog, before taking it to the animal shelter.

Any dog found roaming at large shall:

(1) ***First Offense***: Be returned to its owner/keeper, if known, and be given a written warning; **or** be housed temporarily by the Animal Control Officer and be issued a written warning when returned to the owner/keeper, plus if not licensed must pay current and prior year license fee immediately, if applicable;
(2) ***Second Offense***: $100.00 fine, plus any mileage expenses incurred;
(3) ***Third Offense***: $250.00 fine, plus any mileage expenses incurred;
(4) Any person who owns or keeps a dog that has been picked up and transported by the Animal Control Officer or law enforcement officer to the Animal Shelter, shall be assessed by the Town of Hartland the

appropriate fees and prior to the release of an impounded dog/s, said fees must be paid to the Town of Hartland;

(5) Any impoundment or Animal Shelter Boarding fees assessed by the Animal Shelter must also be paid by the owner/keeper prior to the animal's release or per the Animal Shelter's Policy.

c. All domestic animals shall not be permitted in the fenced in area of the community playground, on the tennis court, the pool, or on the little league/softball/soccer fields owned by the Town.

State law reference— *Running at large, M.R.S.A. Title 7 § 3911.*

Section 7102.4. Treatment and Disposition of Impounded Dogs.

a. Disposition of and the procedure for stray dogs shall be as described in M.R.S.A. Title 7, §3911 et seq. The procedure for stray dogs after receipt by a designated animal shelter shall be pursuant to M.R.S.A. Title 7, § 3913-2A. After a dog is placed in an animal shelter, the dog may be evaluated by a licensed veterinarian, and the veterinarian may prescribe vaccinations and any medical procedures which are necessary to treat any acute illness or disease. If an animal is claimed by an owner pursuant to M.R.S.A. Title 7, § 3913, the owner shall be responsible for all such fees incurred for medical treatment. For each day a claimed animal stays in the animal shelter, the owner/keeper may be charged a daily fee by the shelter to any person claiming ownership, along with any and all other reasonably necessary fees for the care, maintenance and medical treatment of the animal.

b. Before any stray dog is transferred from an animal shelter or any other person to whom a stray dog has been delivered by an appropriate authority for the Town, such dog shall be vaccinated against rabies and distemper unless the owner or keeper can provide written evidence that the dog was vaccinated within the appropriate period as determined by the state commissioner of human services. The keeper or owner of each such dog shall pay for all such vaccinations.

c. Owners may reclaim their animal by first licensing current and prior year, if applicable, and by paying to the Town any such fees due. Fees must be paid and a receipt of same presented to the Shelter prior to the release of an animal. All fees collected will be deposited in the account required by M.R.S.A. Title 7, § 3945.

d. The Town, its employees and agents shall not be held liable for acts committed or omitted as the result of subduing or taking custody of an animal found running at large, or as the result of subduing, taking custody of, or destroying, any animal that is in the act of pursuing, attacking, or wounding a human or another animal.

State law reference— *Authority to impound dogs, M.R.S.A. Title 7 § 3912; procedure for certain impounded dogs, M.R.S.A. Title 7 § 3913; use of license fees M.R.S.A. Title 7, § 3945.*

Section 7102.5. Barking or Howling Dogs.

No person shall keep or harbor any dog, which by frequent and habitual barking, howling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Town. Any person that allows any dog to habitually remain or be lodged or fed within a dwelling, building, yard or enclosure, which they occupy or own, shall be considered as harboring such a dog.

Section 7102.6. Dangerous Dogs.

a. An owner who is given notice by the ACO, any law enforcement officer, or any state official that the owner's dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause an abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit that dog to be moved beyond the boundaries of the Town, except to or under the care of a licensed veterinarian, or of an animal control officer, or a law enforcement officer.
b. An owner receiving such notice shall immediately place the dog in quarantine for a period of at least 10 days and shall promptly obey all rabies detection and control directions of an ACO, licensed veterinarian, law enforcement officer, or state official concerning the dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized officials, employees, and agents in matters of rabies detection and control.

State law reference— *Dangerous Dogs, M.R.S.A. Title 7 § 3952*

Section 7102.7. Special Restraint of Dangerous Dogs.

a. If, upon hearing, the court determines that the ordinance has been violated, the court shall impose an appropriate penalty. An owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner, or to the custody of an ACO or law enforcement officer. The owner of such a dog will ensure that the dog, when out of doors on the owner's premises, is either contained within secure enclosure or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet to any mail receptacle or entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or home fill pipe or utility meter or point on the ground generally below any other wiring or piping. The owner

shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secure, fenced-in enclosure.

b. If, upon hearing, the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks, then the court should ordinarily order the dog to be euthanized. Such euthanasia shall be at the owner's expense.

State law reference— *Dangerous Dogs, M.R.S.A. Title 7 § 3952;*

Section 7102.8. Failure to Abide by a Court Order.

An owner's failure to comply with an order issued pursuant to Section 7102.7, immediately above, constitutes a violation of this ordinance, and may be punishable upon a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by any law enforcement officer, or other person, upon notice to the owner, issue a warrant to any law enforcement officer or constable in the Town where the dog is found, to destroy the dog and make a return of the warrant to court within 14 days from the date of the warrant. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by any time stated in the order of the court for making such a payment constitutes a distinct violation of this ordinance, which may also be punished on proceedings for contempt after issuance of a show cause order.

Section 7102.9. Removal of Waste.

All dog owners, and any person who keeps or controls an animal for the owner, shall immediately remove and lawfully dispose of any feces left by such animal on any property in which the town has a legal interest or which the Town owns, including all private and public ways. This section shall not apply to a dog accompanying any handicapped person who by reason of his handicap is unable to comply with the requirements of this section.

Section 7103. Cats.

Section 7103.1. Rabies Vaccination Required for Cats.

An owner or keeper of a cat over 3 months of age must have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian, except as provided in M.R.S.A. Title 7, § 3916-4.

Section 7103.2. Seizure of Stray Cats.

An ACO may seize a stray cat and deliver it to an animal shelter as provided for in M.R.S.A., Title 7 § 3919-A or to the owner, if known. If ownership cannot be established, such a cat may be handled as a homeless cat for the purpose of acceptance and disposition by an animal shelter.

Section 7104. Livestock.

Section 7104.1. Adequate Fences and Barriers.

It shall be unlawful for any person to keep on their premises any livestock without providing adequate fences or barriers that will prevent such livestock from escaping and/or damaging neighboring flowers, trees, shrubbery and/or other property located on adjacent property outside the defined downtown radius.

Section 7104.2. Animals Considered Livestock on Residential Properties.

Animals considered Livestock on residential properties are prohibited with in the downtown area within the radius which is defined as follows:

(1) Elm Street (RTE 151) to the Palmyra Town Line

(2) Academy Street (RTE 43) to the St. Albans Town line

(3) Commercial Street to the St. Albans Town line

(4) Pittsfield Avenue (RTE 152) to the Palmyra Town line

(5) The Canaan Road (RTE 23) to the last fire hydrant near Ronald and Christine Lewis

(6) Pleasant Street (RTE 43) to the Great Moose Drive Road

Animals kept incidental to a residential use outside of the downtown radius of a property shall be kept in accordance with the following:

(1) Horses, mules, donkeys, cattle, goats, sheep, swine, llama, oxen, alpaca, bison and fowl.

a. Farm buildings, sheds, feedlots, fenced pens used for shelter and containment shall be kept no closer than 20 feet to the property line, 100 feet to existing neighboring residences.

b. Farm buildings, sheds, feedlots, fenced pens used for shelter and containment must be clean, dry and free from offensive odor, kept in a neat and sanitary condition at all times in a manner that will not disturb the use of enjoyment of abutters due to noise, offensive odor or other adverse impacts.

c. At all times, animal shall be contained in a suitable safe housing and pens.

(2) Chickens and rabbits.

a. No more than 6 hens and/or rabbits shall be kept as pets or for personal use on residential lots of less than one acre.

b. Chickens and rabbits shall be kept in clean and secure enclosures at all times on lots less than one acre.

c. Chickens shall be secured in a well-maintained henhouse during non-daylight hours on lots less than one acre.

d. Safe and suitable housing for chickens and rabbits shall meet the minimum setback of 20 feet from any property line on lots less than one acre.

e. The outdoor slaughtering of animals is prohibited on lots less than one acre.

f. Storing of carcasses from trapping may not be stored outdoors on lots less than one acre.

Any structure, feedlot, or pen which is subject to the provisions of §148-8A(2), and which existed prior to the enactment of this article shall not be considered to be in violation of this article but shall not be expanded or relocated so as to reduce the property line setback requirements set forth in this section.

Section 7105. Wild or Exotic Animals.

It shall be unlawful for any person to keep any species of wild or exotic animal, not normally considered domesticated, that poses a potentially serious threat to public health, safety or welfare, or is protected by international, federal, or state regulations, or any other wild animal, including birds of prey capable of or inclined to do serious bodily harm to humans or other animals or fowl, unless the following applies:

a. The owner or possessor is a licensed individual, or a member of a non-profit animal rehabilitation organization holding a permit from the Maine Department of Wildlife and Inland Fisheries; or

b. Is a governmental agency or entity; or

c. Holds a circus, carnival or zoo license from the State of Maine; or

d. Is an accredited research or educational institution.

Section 7106. Passage and Compliance.

a. The effective date of this Ordinance shall be the date enacted by vote of the Legislative body of the Town of Hartland. This Ordinance shall repeal and replace the Town of Hartland Dog Ordinance adopted by the Town of Hartland at a Special Town Meeting held on September 17, 1979.
b. Failure to comply with any section of this ordinance by the Owner/keeper of such animal shall be subject to a civil violation fine and a court date will be set.
c. Upon written complaint signed and sworn to, any duly qualified Town, state or county law enforcement official may investigate and may give written notice to the owner/keeper of such animal/s that such annoyance or disturbance must cease.

Section 7107. Severability.

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

Adopted: September 16, 2019

Effective: September 16, 2019

Replaces the Dog Ordinance adopted September 17, 1979.

Article 2: E-911 Ordinance

Section 7201. Purpose

The purpose of this ordinance is to enhance the rapid location of properties by fire, law enforcement, rescue, and emergency medical services personnel in the town of Hartland, Maine.

Section 7202. Authority

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

Section 7203. Administration

This ordinance shall be administered by the addressing committee, which is authorized to and shall assign road names and numbers to all properties both on existing and proposed roads in accordance with the criteria in section 7204 and 7205. The addressing committee shall also be responsible to maintaining the following official records of this ordinance.

(1) A Hartland map for official use showing road names and numbers.
(2) An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
(3) An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 7204. Naming System

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

a. No two roads shall be given the same name.
b. No two roads should have similar sounding names.
c. Each road should have the same name throughout its entire length.

Section 7205. Numbering System

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, determined by the number origin.

a. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of the said structure.
b. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy.

Section 7206. Compliance

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

a. Number on the Structure or Residence. Where the 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. It shall be of a reflective nature and a size of 6".
b. Number at the Street 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, mail box, or on some structure at the property line next to the walk or access drive to the residence or structure.
c. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the addressing committee and shall be located to be visible from the road.
d. Different Numbers. Every person whose duty it is to display the assigned numbers shall remove any different numbers that might be mistaken for, or confused with the number assigned in conformance with this ordinance.
e. Interior Location. All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

Section 7207. New Construction and Subdivisions.

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows.

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the E-911 Addressing Officer. This shall be done at the time of issuance of the building permit.
b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system of the pre-application submission to the planning board. Approval by the planning board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every 50 (fifty) feet to aid in assignment of numbers to structures subsequently constructed.

Section 7208. Effective Date.

This ordinance shall become effective as of March 2, 1997. It shall be the duty of the addressing committee to notify by mail each property owner at least 30 (thirty) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

Adopted: March 1, 1997

Effective: March 2, 1997

Article 3: Needle Exchange Program & Needle Disposal Ordinance

Section 7301. Purpose and Need.

Whereas, the Town of Hartland supports the concept of harm reduction through hypodermic syringe exchange as a benefit to the health threat incurred by spreading disease such as HIV and Hepatitis C through the sharing of needles during drug use;

Whereas, the regulation of Needle Exchange Programs and disposal sites is necessary to ensure that such programs operate in conformity with state law, demonstrate a plan and implementation for injection drug users to seek treatment for substance abuse, and require the removal of syringe litter from public and private property;

The purpose of this Ordinance is to protect the health, safety and welfare of the public and of the use of the environment by providing regulation of Needle Exchange Programs and needle disposal sites.

Section 7302. Limitation on Number of NEP Operators.

a. Not more than one registered Needle Exchange Program (NEP) shall be licensed to operate within the Town. The registered Needle Exchange Program must operate at a single fixed location and have a secured facility.
b. No Mobile exchange is authorized in the Town of Hartland.
c. No Safe or Supervised Injection Site is authorized in the Town of Hartland.

Section 7303. Limitation on the Location of Needle Disposal Container Sites.

Needle Disposal Containers must not be visible to the general public from any publicly owned space or right of way.

Section 7304. Limitation on the Location of NEP Operation.

a. Needle Exchange Programs may only operate at a single, fixed and secured facility. This single fixed location must be approved by the Board of Selectmen. No Mobile exchange is authorized.
b. No NEP will be allowed to operate within seven hundred and fifty (750) feet of any church, school, park, playground, library or day care center.
c. For the purpose of this Ordinance, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises for a Needle Exchange Program to the nearest property line of a church, school, library, day care center or to the nearest boundary of a park or playground.

Section 7305. Application Information to be Provided by the NEP Operator.

a. The Town shall require a full copy of all the application materials that were provided to the Maine CDC for which they received their certification to be submitted.
b. A list of all staff, volunteers and any other individuals working for or with the operators of the NEP. This staff list means an up-to-date written list of the names, addresses, date of birth, and social security numbers of all staff involved in a Needle Exchange Program which shall be maintained at the operator's office. All staff, volunteers and any other individuals working for or with NEP must be vetted and approved by the Somerset Sheriff's Office. They will be issued an identification card issued by the Somerset Sheriff's Office. The identification card must be visible at all times during exchange hours.
c. A breakdown of the annual operating cost of the NEP and the source of funding to meet these costs.
d. Details of the proposed days and hours of operation for the NEP.

Section 7306. Limitation of the Days and Hours of Operation of the NEP.

The NEP will only be able to operate on days and times approved by the town and detailed on their permit. A request to amend these hours of operation may be submitted to the town.

Section 7307. Security of Facilities and Equipment.

Criteria for a fixed location are to include but not limited to:

a. A Primary entrance and emergency exit with doors and locking mechanisms.
b. A barrier (IE: Counter or window) inside fixed facility which allows for employees to be separated from consumers for safety precautions.
c. Needle Disposal Containers for securing previously used needles and other paraphernalia.
d. Secure containers for new needles and other paraphernalia.
e. Must be assessable to vehicle and foot traffic to include legal parking areas.
f. Must have ADA accessibility for consumers.
g. Must have electricity and running water availability.
h. Must be a commercial type property and not residential.
i. Must be in a well-lighted area for both Primary Entrance and emergency exists for safety issues.
j. The fixed facility must be single use only.
k. The fixed facility will not to be used for a "Safe or Supervised Injection Site" of any nature in the town of Hartland.

The operator shall provide for maximum security of the site where needles are exchanged and of any equipment used under the Needle exchange program and shall establish written security procedures. These security procedures shall be included in the operator's training and on-boarding process for all contractors, employees, and volunteers assisting in the Needle exchange program. Maximum security procedures shall include, at a minimum:

(1) An accounting of the number of needles and Needles in use;
(2) The number of needles and Needles in storage;
(3) Safe disposal of returned needles; and
(4) Any other measure that may be required to control the use and dispersal of sterile needles and Needles.

Section 7308. Needle Exchange Program Operation.

a. The Needle Exchange Program authorized under this ordinance shall operate only with a valid permit issued from the town.
b. All staff, volunteers and any other individuals working for or with NEP must be vetted and approved by the Somerset Sheriff's Office. They will be issued an identification card issued by the Somerset Sheriff's Office. The identification card must be visible at all times during exchange hours.
c. The NEP shall operate a one-to-one exchange basis only, whereby a Needle Exchange Program participant shall receive one sterile needle and Needle unit in exchange for each used one. No other drug paraphernalia shall be issued or distributed in any manner.
d. Whenever needles or Needles are exchanged, the Needle Exchange Program shall offer educational materials regarding the transmission of HIV, viral hepatitis, and other blood-borne diseases as well as educational materials regarding treatment and recovery services available.
e. Consumers must formally enroll in the Needle Service Program to receive services.
f. Programs shall not knowingly distribute syringes to persons less than 18 years of age. Programs shall comply with all applicable Maine Statutes, rules and regulations.
g. Programs shall not accept any form of remuneration from consumers for delivering Needle Service Program services.
h. Program staff and their representatives shall carry identification and a copy of their program's certification document and town permit while conducting program business.
i. Programs shall provide consumer enrollment guidelines that include notifying all consumers regarding rules and laws applicable to Needle Exchange Programs.

Section 7309. Data and Reporting Requirements for Needle Exchange Program.

a. The Needle Exchange Program shall prepare and submit quarterly reports to the Somerset Sheriff's Office the Needle Exchange Program shall collect and monitor, at a minimum, the following data elements to be included in the annual report:
    1. The number of participants served;
    2. The number of used needles and Needles received and the number of clean, unused needles and Needles distributed through exchange with participants;
    3. The number of participants entering drug counseling and treatment;
    4. The number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases;

5. Any other data collection methods and outcomes measurements that may be required under Maine CDC rules;
6. The demographic profiles of the participants served.

b. The personal identifying information of a Needle Exchange Program participant shall not be collected for any purpose.

Section 7310. Permit Fee.

A permit application to be set by the Board of Selectmen shall be payable at the time of application.

Section 7311. Issuing of Permit.

If all information is submitted to the satisfaction of the Somerset Sheriff's Office, following which a permit will be presented to the Selectmen for approval and issued to the operator, that lists the name, location and hours of operation of the NEP. Permits will be valid for one year after the date of issuance and shall have to be renewed when expired. Renewal applications shall require all materials listed in this ordinance.

Section 7312. Lawful Participation.

a. The possession, distribution, or exchange of needles or Needles as part of the Needle Exchange Program established by the Maine CDC is not a violation of any part of MRS Title 17-A, §1111., or any other law.
b. However, a Needle Exchange Program staff member, volunteer, or participant is not immune from criminal prosecution for:
    a. The possession of needles or Needles that are not a part of the Needle Exchange Program; or
    b. The redistribution of needles or Needles in any form, if acting outside the Needle Exchange Program.

Section 7313. Enforcement and Penalties.

a. This Ordinance shall be enforced by the Somerset Sheriff's Office.
b. Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) to be recovered for the use of the Town of Hartland and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.
c. Violating any provision of this ordinance shall be cause to revoke any town permit issued to the operator.

Section 7314. Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Adopted: May 7, 2022

Effective: May 7, 2022

Chapter 8: Offenses – Misc

Article 1: Sex Offender Ordinance

Section 8101. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A, section 3014. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by Title 30-A M.R.S.A, section 3014.

The Planning Board with the assistance of the Somerset County Sheriff's Office shall prepare, maintain and file with the Town Clerk an official map showing prohibited locations as defined by this ordinance. The Planning Board will update the map at least annually to reflect any changes in the locations of any Restricted Property and Setbacks and file the updated map with the Town Clerk.

Section 8102. Restrictions.

A. No Designated Sex Offender shall reside within a 750-foot Setback of any Restricted Property.
B. No Property Owner may lease, rent or allow residential use of real property by a Designated Sex Offender within the 750-foot Setback from any Restricted Property.

Section 8103. Exceptions.

A. A Designated Sex Offender maintaining a residence within the Setback from Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in a Setback as long as the residence was in place and consistently maintained prior thereto.
B. A Property Owner leasing or renting a residence for use by a Designated Sex Offender within the Setback of a Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Property Owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in the Setback as long as the residency was in place prior to the creation, movement or enlargement and the residency has been consistently maintained.

Section 8104. Violation: Injunctive Relief and Penalties.

Ordinance Authority: 30-A §3009-A. Enforcement of municipal ordinances: *A municipality lacking an organized police department may contract with the State Police, pursuant to Title 25, section 1502, or Somerset County sheriff's department for law' enforcement services, including, but not limited to, enforcement of ordinances enacted by the municipality. State police officers and deputy sheriffs are authorized to enforce municipal ordinances as agreed to in the contract*

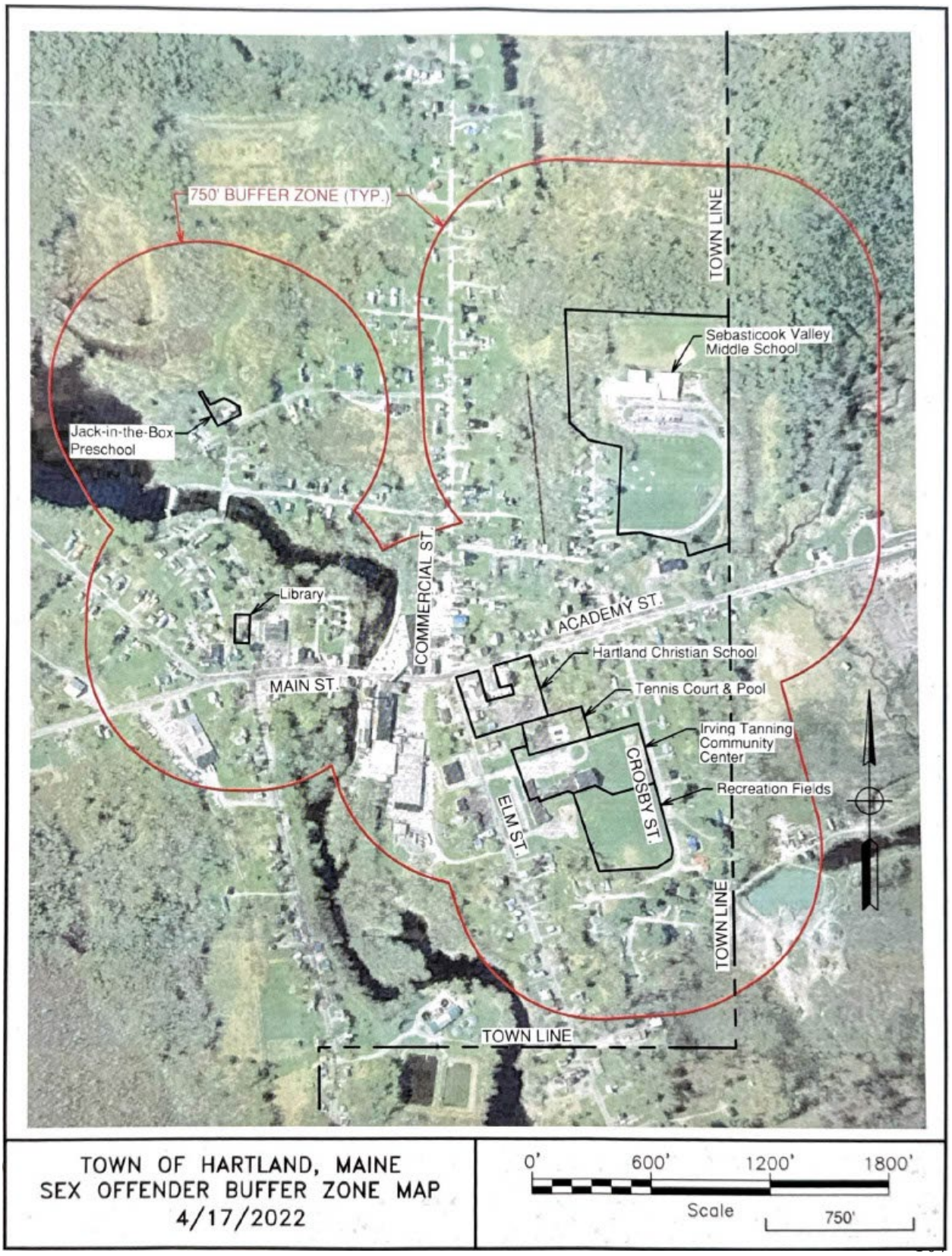
A. A Designated Sex Offender who, thirty (30) days after written notice from the Town of Hartland, is in violation of Section 8102, subsection A of this Ordinance shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Hartland to enforce the requirements of this ordinance. The Town of Hartland may also seek a penalty in the minimum amount of $500.00 per day, for each day of violation of Section 8102 of this Ordinance after thirty (30) days. In the event the Town of Hartland is the prevailing party in any action under this Ordinance, is shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Hartland.
B. Property Owners who, thirty (30) days after written notice from the Town of Hartland lease or rent any residence to a Designated Sex Offender within the Setback from a Restricted Property shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Hartland to enforce the requirements of this ordinance. The Town of Hartland may seek injunctive relief to require compliance with the provisions of this ordinance. The Town of Hartland may also seek a penalty in the minimum amount of $500.00 per day, for each day of violation of Section 8102, subsection B of this Ordinance after thirty (30) days. In the event the Town of Hartland is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Hartland.

Section 8105. Restricted Property.

The following properties are designated as Restricted Properties because children are the primary users and is subject to change at the discretion of the Town of Hartland Selectmen:

A. Schools
    a. Hartland Elementary School RSU 19
        i. Including Sports Fields
B. Municipally Owned Property
    a. Where children are the primary users
C. Municipality Leased Property
    a. Where children are the primary users

Section 8106. Sex Offender Buffer Zone Map



Adopted: May 1, 2021

Effective: May 1, 2021

Amended: June 21, 2022

Chapter 9: Streets and Traffic Safety

Article 1: Changeable Sign Ordinance

Section 9101. Authority.

The Town of Hartland, Maine hereby enacts this “Changeable Signs Ordinance" (hereinafter the "Ordinance") pursuant to 23 M.R.S.A.*1914(11-A), 30-A M.R.S.A.*3001

Section 9102. Purpose.

The purpose of this Ordinance is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner contrary to that provided by State law and to do so in a manner that promotes highway safety.

Section 9103. Regulations.

A. The display on each side of the changeable sign may be changed no more frequently than once every twenty (20) seconds.
B. The display on each side of the changeable sign must change as rapidly as technologically practicable, but the display may change through phasing, rolling, scrolling or blending, provided, however, that the display on each side of a changeable sign shall not flash.

Section 9104. Administration.

Pursuant to 23 M.R.S.A.*1914(11-A), the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The Town shall notify the Maine Department of Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The Maine Department of Transportation shall administer the provisions of this Ordinance.

Adopted: July 24, 2006

Effective: July 24, 2006

Article 2: Parking Ordinance for the Town of Hartland

Section 9201. Authority and Purpose.

This ordinance is adopted by the Legislative Body of the Town of Hartland in accordance with 30-A M.R.S.A. §3009. The Town finds that unrestricted parking of motor vehicles on public ways during sanding, snowplowing and snow removal operations creates a traffic hazard and hampers the municipality's winter maintenance operations. The purpose of this ordinance is to regulate parking on the public ways during winter maintenance operations in order to protect the public health, safety and welfare.

Section 9202. Definitions.

Words used in this ordinance shall be defined in accordance with 29 M.R.S.A. §1; any undefined word shall have its common, ordinary meaning.

Section 9203. Restrictions.

(A) Posted restrictions. No person may park a motor vehicle on any public way or portions of public way, where "No Parking" signs or signs bearing substantially similar language have been erected by the municipality. No person may park for a longer period than specified by signs limiting the duration of parking.

(B) Snow/ice removal operations. No person may park a motor vehicle within the right- of-way of any public way in a manner which interferes with plowing, sanding or snow/ice removal operations by the municipality. Between November 1 and March 31, motor vehicles may not be parked within any public way between the times of 10:00 p.m. and 6:00 a.m.

Section 9204. Fine and Towing.

Any person who violates this ordinance shall be subject to a fine which shall inure to the municipality. In the event that court action is necessary to collect the fine, the violator shall also be responsible for the municipality's court costs and reasonable attorney's fees. A motor vehicle parked in violation of Section 9203 of this ordinance may be towed by a wrecker authorized by the municipality, at the request of the road commissioner or other official duly authorized and appointed by the Selectmen. Within 4 calendar days of the tow the municipal official who requested the tow shall send to the registered owner a notice stating the date and time of the tow, the location where the motor vehicle is impounded, and the requirements for release of the motor vehicle.

Section 9205. Post-Tow Hearing.

The owner or operator of a motor vehicle which has been towed pursuant to this ordinance may, within 30 days after the tow, request a hearing to show good cause why he or she should not be liable for the fine. The hearing shall be conducted by the Board of Selectmen. If the Board determines that the owner has shown good cause, it shall waive the fine. The Board may not, however, reimburse or pay any towing and storage fees paid by the owner to recover the motor vehicle.

Section 9206. Release of Towed Vehicle.

Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges and (b) present satisfactory evidence of his or her right to possession and (c) sign a receipt for the vehicle. The municipality is not liable for any damage that may be caused by towing of a vehicle, or for any towing or storage charges.

Section 9207. Prima Facie Evidence of Operation.

No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person, or with the knowledge or consent of the person, in whose name such vehicle is registered.

Section 9208. Effective Date.

This ordinance shall become effective when adopted by a majority of the Legislative Body.

Adopted: February 3, 2025

Effective: February 3, 2025

Chapter 10: Waste and Sewage

Article 1: Sewer Use Ordinance

Pursuant to enabling authority in Maine or revisions thereto, the following is an Ordinance regulating the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s), and providing penalties for violations thereof, in the Town of Hartland, County of Somerset, State of Maine.

Be it ordained and enacted by the Selectmen of the Town as follows:

Section 10101. General Provisions.

Section 10101.1. Purpose and Policy

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 of United States Code § 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), and 06-096 CMR Chapter 528 Pretreatment Program. Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:
    - The prevention or reduction of pollutants at the source whenever feasible;
    - Recycling in an environmentally safe manner when pollution cannot be prevented;
    - Treatment in an environmentally safe manner of pollution that cannot be prevented or recycled; and
    - Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

    To encourage the development of these efforts, the Town may:
    - Set Town wide pollution prevention goals;
    - Organize an assessment program task force;
    - Review water quality data and inspect sites;
    - Develop pollution prevention options;
    - Conduct a feasibility analysis of selected options; and
    - Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
F. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.

This Ordinance shall apply to all Users of the POTW. The Ordinance authorizes the issuance of industrial discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 10101.2. Administration.

Except, as otherwise provided herein; the Town or its designee shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Town may be delegated by the Town to its designee.

Section 10101.3. Abbreviations.

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

a. BOD – Biochemical Oxygen Demand
b. BMP – Best Management Practice
c. BMR – Baseline Monitoring Report
d. CFR – Code of Federal Regulations
e. COD – Chemical Oxygen Demand
f. QH CID – Categorical Industrial User
g. EPA – United States Environmental Protection Agency
h. gpd – Gallons per Day
i. IDP – Industrial Discharge Permit
j. ID – Industrial User
k. mg/l – Milligrams per Liter
l. Maine DEP (DEP) – Maine Department of Environmental Protection

m. MEPDES – Maine Pollutant Discharge Elimination System
n. POTW – Publicly Owned Treatment Works
o. RCRA – Resource Conservation and Recovery Act
p. SIC – Standard Industrial Classification
q. SID – Significant Industrial User
r. SNC – Significant Noncompliance
s. TDS – Total Dissolved Solids
t. TSS – Total Suspended Solids
u. USC – United States Code

Section 10102. General Sewer Use Requirements.

Section 10102.1. Use of Public Sewers.

A. 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 of Hartland or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or objectionable waste.
B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and Federal laws and regulations.
C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable Federal, State and local permits have been obtained.
E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.
F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Town, or its designee. An MEPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Town, or its designee, will consider the pertinent facts and make a determination. Said determination will be final and binding.
H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.
I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment. recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein , and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred (100) feet of the building. This requirement for connection may be waived when permitted by the plumbing inspector if the household is already connected to a properly functioning, State-approved septic system approved after 1985.
J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the State of Maine provisions and rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.
K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools; and similar private wastewater disposal. facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.
L. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Plumbing Inspector.
M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

Section 10102.2. Building Sewers and Connections.

A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Town, or its designee.

B. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service producing only domestic wastewater, and (2) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) or his agent shall make application on a special form furnished by the Town at least thirty (30) days prior to said service connection. For an establishment discharging industrial wastes, the application shall be made at least sixty (60) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Plumbing Inspector. A permit and inspection fee in accordance with the provisions of the Ordinance shall be paid to the Town at the time the application is filed.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector to meet all requirements of this Ordinance. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the. Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.

F. During construction of a new sanitary sewer, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of- way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and

maintenance, and of reconstruction, if needed of the building sewer and service connection.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

H. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, area- way drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in tum is connected directly or indirectly to a public sanitary sewer.

I. No person shall obstruct the free flow of air through any drain or soil pipe.

J. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

K. The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Plumbing Inspector or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

L. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.

M. No building sewer shall be covered until it has been inspected and approved by the Plumbing Inspector. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

N. The Plumbing Inspector shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Plumbing Inspector in securing the data needed for such records.

O. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

P. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by the DEP. Such approvals from DEP shall be submitted to the Town. Report changed conditions and obtain Town approval in accordance with the requirements of Section 10106.5 of this Ordinance regardless of whether the wastewater source is residential, commercial or industrial.

Section 10102.3. Prohibited Discharge Standards.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other federal, State, or local Pretreatment Standards or requirements.
B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
    1. Pollutants which create a fire or explosive hazard in the POTW, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
    2. Wastewater having a pH less than (was 5.0 - 11.0) 6.0 or greater than 10.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 85;
    3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° C to 65° C), in amounts that will cause obstruction of the flow in the POTW resulting in Interference;
    4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant

concentration that, either singly or by interaction with other pollutants, will cause Interference with the POTW;

5. Wastewater having a temperature greater than 150° F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40° C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Town or its designee in accordance with Section 10106.15 of this Ordinance;
9. Medical wastes, except as specifically authorized in a wastewater discharge permit;
10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test; and
11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission. and brake fluids, motor oil and battery acid.

C. Additional Prohibitions. No User shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Town, or its designee in a wastewater discharge permit:

1. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
2. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
3. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
4. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
5. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
6. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point within the POTW, of more than 10 percent CH4 of the Lower Explosive Limit of the meter;
7. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering

establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

8. Any quantities of flow, concentrations, or both that constitute a "Slug or Slug Discharge" as defined in Appendix A of this Ordinance;
9. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
10. Any materials that exert or cause 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).

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 10102.4. National Categorical Pretreatment Standards.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Ordinance.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town, or its designee may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).
B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Town, or its designee may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration. for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6(c)(2).
C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Town, or its designee shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
D. A User may obtain a variance from a categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard.
E. A User may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15 as follows:
    1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User’s intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants

must make application to the Town. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph 2 are met.

2. Criteria.
    a. Either (1) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
    b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
    c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
    d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town may waive this requirement if it finds that no environmental degradation will result.

F. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Town, or its designee. The Town may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in paragraphs 1.a through 1.e below.
    1. To be eligible for equivalent mass limits; the Industrial User must:
        a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:
   a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
   b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
   c. Continue to record the facility's production rate and notify the Town or its designee whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph F.1.c. above. Upon notification of a revised production rate, the Town, or its designee will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
   d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs F.l.a. above so long as it discharges under an equivalent mass limit.
3. When developing equivalent mass limits, the Town, or its designee:
   a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 10102.8. The Industrial User must also be in compliance with Section 10112.3 regarding the prohibition of bypass.

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Town, or its designee within two (2) business days after the User has a reasonable basis to know, that the production level will significantly change within the next calendar month. Any User not notifying the Town, or its designee of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.
J. The Town shall be the Control Authority for Industrial Users subject to categorical Pretreatment Standards. The Industrial User is responsible to the Town for compliance with categorical Pretreatment Standards and the requirements of 40 CFR Part 403. Categorical Industrial Users shall provide the Town with copies of any reports to, or correspondence with EPA and/or the State relative to compliance with the categorical Pretreatment Standards.
K. The Industrial User is responsible for determining the applicability of categorical Pretreatment Standards. The User may request that the Town, EPA and/or the State provide written certification on whether the User is subject to the requirements of a particular. category.
L. The Town shall provide timely notification to appropriate Industrial Users of applicable categorical Pretreatment Standards. Upon promulgation of the federal categorical

Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the categorical Pretreatment Standards, immediately supersede the limitations imposed under this Ordinance.

M. Compliance with categorical Pretreatment Standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance schedule is specified in the standards.
N. An Industrial User subject to categorical Pretreatment Standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the Town.

Section 10102.5. State Pretreatment Standards.

Users must comply with State Pretreatment Standards codified at 06-096 CMR Chapter 528 Pretreatment Program.

Section 10102.6. Local Discharge Restrictions.

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable Federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Ordinance.

Local numerical discharge limitations established by the Town as set forth herein (referred to as "Local Limits”), and all State Pretreatment Standards and categorical Pretreatment Standards shall apply, whichever is most stringent.

In developing the list of pollutants of concern all MPDES permit regulated pollutants and all others in excess of 50% of calculated headworks loadings will have local limits established, the Town has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of the calculated allowable headworks loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits and will be regulated in Industrial User Permits issued by the town.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 10102.3, 10102.4, and 10102.5 of this Ordinance, which in the judgment of the Town, or its designee may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Town, or its designee may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Section 10103);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Town or its designee allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Town, or its designee and the State (see Section 10103).

A. Local Limits. The Town, or its designee is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing the following pollutants constituents at daily average, daily maximum and monthly average concentrations limits and/or equivalent mass loadings greater than the applicable Numerical Limit established for each duration.

POLLUNTANT CONCENTRATION LIMIT (mg/l)	POLLUNTANT CONCENTRATION LIMIT (mg/l)
BODs	TSS
Ammonia	Total Nitrogen
Oil and/or grease[1]	Total phenols
Arsenic	Mercury
Cadmium	Molybdenum
Chromium	Nickel
Copper	Selenium
Cyanide	Silver
Lead	Zinc

[1]Limit should be defined as polar, nonpolar, or total oil

1. Numerical pollutant loading limitations are established to protect against Pass Through and Interference and are based on the Maximum Allowable POTW Headworks Loadings Limitations.
   The Town, or its designee shall calculate and administer daily and monthly concentration limits and/or equivalent mass limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, site specific local limits for above applicable pollutants shall apply at the end of the process train prior to dilution with non-industrial wastewaters and prior to discharge into the municipal collection system.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the Town, or its designee) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent "total" metal unless indicated otherwise. The Town or its designee may impose equivalent mass limitations in addition to concentration-based limitations.

Local limits are developed based on the identification of Industrial Users known to be discharging each pollutant (industrial contributory flow procedure).

Local limits will be determined by the Town, or its designee in a document separate from this Sewer Use Ordinance.

B. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant Industrial Users and other industrial and non-Industrial Users at the discretion of the Town or its designee include:
    a. The Town will develop site specific pollutant list for each significant Industrial Users and other applicable industrial and non-Industrial Users.
    b. Failure to control these pollutants through pollution prevention activities will result in development and application of a local limit when a pollutant loading to the POTW exceeds fifty percent (50%) of the allowable headworks loading.
C. Special Agreements. No statement contained in this Section except for paragraphs 10102.3(A), 10102.3(B)(8), and 10102.4 shall be construed as preventing any special agreement or arrangement between the Town and any User, industrial or otherwise whereby a wastewater of unusual strength pr character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User charge system in effect, and do not waive applicable federal categorical Pretreatment Standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.
D. The Town or its designee may develop Best Management Practices (BMPs) to implement Local Limits and the requirements of Section 10102.3.

Section 10102.7. Town's Right of Revision.

The Town reserves the right to establish by Ordinance or industrial discharge Permit more stringent Standards or requirements on discharges to the POTW consistent with the purpose of this Ordinance and as outlined below.

The discharge standards and requirements set forth in Sections 10102.3, 10102.4, 10102.5, and 10102.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Town, or its designee may, from time to time, review and set more stringent standards or requirements than those established in Sections 10102.3, 10102.4, 10102.5, and 10102.6 if, in the Town's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Town may give consideration to such factors as the quantity of wastewater in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, flow and process capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Town.

The Town or its designee shall allow affected Industrial Users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Section 10102.8. Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Town or its designee may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or requirements or, in other cases when the imposition of mass limitations is appropriate.

Section 10102.9. Mass Based Limitations.

Users implementing process changes may request that site specific local limit compliance be determined based on mass limitations in lieu of concentration limitations. Such mass based local limits will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation

measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass based local limit compliance will be based on User specific information and current operating conditions of the POTW, and will be at the discretion of the Town, or its designee. Implementation of mass-based limitations may not contravene any requirements of Federal or State laws and/or regulations implemented thereunder, and may not waive applicable categorical Pretreatment Standards.

Section 10102A. Sewer Rates, Billing, and Collections.

Section 10102A.1. Purpose and Policy

a. The purpose of this section is to provide the town with adequate avenue to fund the cost of all debt service, operations, maintenance, to set rates, to collect on delinquent accounts, make adjustments for leaks and to set interest amounts on outstanding balances.
b. Sewer use charges under this section shall be computed and billed monthly. Said charges shall be due thirty (30) days after the billing date. Unpaid sewer use charges (both the minimum and usage) shall be collected in accordance with the provisions of the Maine Revised Statues.

Section 10102A.2. Selectmen Authority

a. The Town of Hartland Selectmen have and will adopt or modify "Sewer Policies" as needed from time to time to address interest rates on delinquent accounts, leak adjustments, collection of delinquent accounts due to the Town of Hartland. The "Sewer Policies" may be modified or changed to add or delete language to address operating issues as they arise from time to time.
b. The Selectmen for the Town of Hartland will set and adjust rates as needed to adequately fund debt, operations and maintenance of the Wastewater System.

Section 10103. Pretreatment of Wastewater

Section 10103.1. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical Pretreatment Standards, local limits, prohibitions, and requirements set out in Sections 10102.3, 10102.4, 10102.5, and 10102.6 of this Ordinance within the time limitations specified by EPA, the State, or the Town, or its designee, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Town, or its designee for review, and shall be acceptable to the Town, or its designee and the DEP before such facilities are constructed. The

review of such plans and operating procedures shall in no. way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance.

Section 10103.2. Additional Pretreatment Measures.

A. Whenever deemed necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance, the Town, or its designee may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary.
B. The Town or its designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Town, or its designee these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the Town or its designee and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense. The User shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Town or its designee. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.
D. Users with the potential to discharge flammable substances may be required to install and maintain an approved and calibrated combustible gas detection meter and alarm. The User shall be responsible for the proper calibration and operation and shall maintain calibration and test records, which shall be subject to periodic review by the Town, or its designee.
E. Where pretreatment or flow equalizing facilities are provided or required for any wastewaters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the User at his expense. Such facilities shall be maintained, operated, inspected and repaired regularly, as needed, by the User at their expense. The User shall be responsible for the proper removal and disposal by appropriate means of the sludge materials that may buildup and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Town,

or its designee. Any removal and hauling of the collected sludge materials shall be performed by currently licensed waste disposal firms.

Section 10103.3. Slug Discharge Management Plan.

The Town or its designee shall evaluate whether each significant Industrial User needs a Slug Discharge Management Plan or other action to control Slug Discharges. The Town or its designee may require any User to develop at the user's expense, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges.

A Slug Discharge Management Plan must include sufficient general information to enable the POTW to: categorize and restrict the significant Industrial User potential for a slug discharge; and respond promptly and effectively in an emergency. In general, a Slug Discharge Management Plan shall address, at a minimum the following:

A. General information - significant Industrial User name, address, contact person, a brief description of the significant Industrial User and applicable Pretreatment Standards;
B. Facility Layout Flow (process, material loading/unloading areas, sanitary sewer, storm water systems, etc.) Diagrams, process description(s) and flows and loads;
C. Description of process discharge practices, including non-routine batch discharges;
D. Description of stored chemicals and wastes and material inventory;
E. Spill and leak prevention equipment and procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, building of containment structures or equipment measures for containing toxic organic pollutants, including solvents, etc.;
F. Measures and equipment for emergency response and procedures for immediately notifying the Town, or its designee of any accidental or slug discharge, as required by Section 10106.6 of this Ordinance;
G. Slug reporting procedures and a description of previous slugs and corrective actions; and
H. Worker Training Program.

Section 10103.4. Pollution Prevention Plan.

In accordance with the provisions of Sections 10102.6(B) and 10109.3 of this Ordinance, the Town, or its designee may require any User discharging wastes into the POTW to develop and implement, at that User's own expense, a pollution prevention plan. The Town or its designee may require Users to submit as part of the pollution prevention plan information that demonstrate s adherence to the following elements:

A. Management Support; For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
C. Waste Assessment. Estimates shall be developed for the amount of waste generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
    1. Reduced raw material purchases;
    2. Avoidance of waste treatment, monitoring and disposal costs;
    3. Reductions in operations and maintenance expenses;
    4. Elimination of permitting fees and compliance costs; and
    5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites,
E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become. or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.
F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.
   The review and approval of such pollution prevention plans by the Town shall in no way relieve the User from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Ordinance.

Section 1103.5. Hauled Wastewater.

A. Wastewater and Septic tank waste may be introduced into the POTW only at locations designated by the Town, or its designee, and at such times as are established by the Town. Such waste shall not violate Section 10102.3 of this Ordinance or any other requirements established by the Town.

B. The Town or its designee may prohibit the disposal of hauled industrial wastewater. The discharge of hauled industrial wastewater, if allowed is subject to all other requirements of this Ordinance.
C. No load may be discharged without prior consent of the Town, or its designee. The Town or its designee may collect samples of each hauled load to ensure compliance with applicable Standards. The Town or its designee may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
D. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 10104. Industrial and General Discharge Permit Application.

Section 10104.1. Wastewater Characterization.

When requested by the Town, or its designee, a User must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Town is authorized- to prepare a form for this purpose and may periodically require Users to update this information.

Section 10104.2. Industrial Permit Requirement.

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Town, or its designee, except that a significant Industrial User that has filed a timely and complete application pursuant to Section 10104.4 of this Ordinance may continue to discharge for the time period specified therein.
B. The Town, or its designee may require other Users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.
C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the Industrial Discharge Permittee to the enforcement actions set out in Sections 10109 through 10111 of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

Section 10104.3. Industrial Discharge Permitting: Existing Connections.

Any User required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid

Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall within sixty (60) days after said date, apply to the Town, or its designee for an Industrial Discharge Permit in accordance with Section 10104.6 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Town, or its designee.

Section 10104.4. Industrial Discharge Permitting: New Connections.

Any User required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 10104.6 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

Section 10104.5. Industrial Discharge Permitting: Categorical Standards.

Within 120 days subsequent to the effective date of a Categorical Pretreatment Standard, an Industrial User subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 10104.6.

Section 10104.6. Industrial Discharge Permit Application Content.

All criteria listed in Section 10104.6 of this Sewer Use Ordinance will be wholly consistent with Maine Statute, Chapter 528 Section 12(b), excerpted below:

All Users are required to obtain an Industrial Discharge Permit, and other Users subject to these rules, as required by the Town, or its designee shall submit a permit application developed by the Town, or its designee. The Town or its designee may require all Users to complete the permit application and submit as part of an application the following information:

A. All information required by Section 10106.1(B) of this Ordinance and as outlined below;
B. Identifying Information.
    1. The name and address of the facility, including the name of the operator and owner.
    2. Contact information, description of activities, facilities, and plant production processes on the premises;
C. Environmental Permits. A list of any environmental control permits issued under any law or rule implemented by EPA or DEP that are held or are required by law to be held by or for the facility.
D. Description of Operations and Activities

1. Description of activities, facilities and production processes on the premises. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
2. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharge;
3. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
4. Number and type of employees, hours of operation, and proposed or actual hours of operation;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

E. Time and duration of discharges;
F. The location for monitoring all wastes covered by the permit;
G. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
H. Measurement of Pollutants.
    1. The user shall identify the Pretreatment Standards applicable to each regulated process;
    2. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. ln cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;
    3. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may

waive flow-proportional composite sampling for any Industrial User that demonstrates tl1at flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide are representative sample of the effluent being discharged.

4. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
5. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 10107(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 10107(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
6. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other patties, approved by the Administrator;
7. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
8. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

I. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
J. Notification to the Town of any proposed or existing discharge of listed or characteristic hazardous waste as required by 40 CFR 403.12.12(p);
K. In those instances in which the Industrial User provides notification of the discharge of hazardous waste, the Industrial User shall also provide the following certification: "I

certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree (the company) has determined to be economically practicable";

L. An indication of whether the conditions referenced in the application are existing or proposed; and
M. Any other information as may be deemed necessary by the Town, or its designee to evaluate the Industrial Discharge Permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
N. Any other information as may be deemed necessary by the Town, or its designee to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Section 10104.7. Signatories and Certification.

A. All Industrial Discharge Permit applications, User reports and certification statements shall be signed by an authorized representative of the User and contain the certification statement in Section 10106.15(A).
B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Town or its designee prior to or together with any reports to be signed by an Authorized Representative.

Section 10104.8. Hauled Wastewater Permits.

Wastewater and septic tank waste may be introduced into the POTW only at locations designated by the Town, or its designee, and at such times as are established by the Town, or its designee. Transport and discharge of such waste shall comply with Section 10103.5 and 10113.1 of this Ordinance.

Section 10105. Industrial Discharge Permit Issuance Process.

Section 10105.1. Industrial Discharge Permit Decisions.

The Town, or its designee will evaluate the data provided by the Industrial User and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application, Town, or its designee will determine whether or not to issue an Industrial Discharge Permit. The Town or its designee may deny any application for an Industrial Discharge Permit with just cause.

Section 10105.2. Industrial Discharge Permit Duration.

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Town, or its designee. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or with 60 days advanced notice of transfer of business ownership, unless notification of such transfer is provided in accordance with Section 10105.6 of this Ordinance. All Industrial Discharge Permits issued to a particular User are void upon the issuance of a new Industrial Discharge Permit to that User.

Section 10105.3. Industrial Discharge Permit Contents.

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Town, or its designee to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:
    1. A statement that indicates Industrial Discharge Permit issuance date, expiration date, effective date, and duration, which in no event shall exceed five (5) years;
    2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town in accordance with Section 10105.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
    3. Effluent limitations, including Best Management Practices, based on applicable general and categorical pretreatment standards, local limits and State and local requirements;
    4. Self- monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards, local limits, this Ordinance, and State and Federal laws, rules and regulations;
    5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 10106.4(B).

6. For Users with reporting requirements, such reports at a minimum shall require:
    a. Periodic monitoring results indicating the nature and concentration and mass loading of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
    b. A statement as to whether the applicable Pretreatment Standards and requirements are being met on a consistent basis and, if not, then what additional operation and maintenance practices and/or pretreatment systems are necessary; and
    c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the Permit.
7. A description of identified pollution prevention opportunities at the facility;
8. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations;
9. Requirements to control Slug Discharge, if determined by the Town or its designee to be necessary;

B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:
    1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
    2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
    3. Development of Best Management Practices based on the intended discharge;
    4. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
    5. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
    6. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
    7. Requirements for installation and maintenance of inspection and sampling facilities and equipment including flow measurement devices;

8. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those that become effective during the term of the Industrial Discharge Permit; and
9. Other conditions as deemed appropriate by the Town, or its designee to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

C. The Permit identifies the specific responsibilities of the Industrial User and provides the Town a means to track and regulate Industrial User. The Town has developed the following minimum Permit items to serve this purpose and communicate the responsibilities of the Industrial User to each User:
    1. Permittee name and location address.
    2. Effective and expiration dates of Permit, not to exceed a 5-year term and renewal requirement.
    3. Location and numbering of discharge(s) points to POTW and identify effluent limitations and monitoring responsibilities for each.
    4. Effluent limitations – categorical and/or local limits with list of Best Management Practices based on the intended discharge
    5. Discharge prohibitions - includes those from the Ordinance and specific prohibitions according to the user's process.
    6. Monitoring and reporting requirements.
    7. Notification of Clean Water Act and RCRA requirements.
    8. Notification to Town and/or POTW if:
        • Any discharge occurs that could cause a problem to the POTW including Slug Discharges;
        • Sampling denotes a violation;
        • Volume or characteristic of discharge is to change;
        • Hazardous waste in any amount is discharged to the POTW;
        • Upset or unanticipated bypass occurs or anticipated bypass is expected;
        • Any discharge causes or could cause danger to the public or environment; and
        • Permitted facility or activity is to change.
    9. Standard conditions and requirements include the following:
        • Compliance with federal, State, and local regulations and the Permit (whichever is more stringent will apply);
        • Use of approved methods only to meet self-monitoring requirements;
        • Data retention, a minimum of 3 years or longer if litigation occurs;
        • Making any and all records required by Program available for inspection and copying by Town;

• Signature requirements for reporting and signatory page for authorized signatory;
• No dilution allowed to meet effluent requirements;
• Permitted user not exempt from requirements of other agencies and authorities;
• Pre-approval by Town and DEP for construction of facilities required for collection, treatment, or discharge of any pollutant;
• Maintenance in good working order and efficient operation of any facility necessary to meet Permit requirements;
• Itis not a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the Permit;
• Taking all reasonable steps to minimize or prevent any discharge that could cause danger to the public, environment, or POTW;
• Disposal of solids, sludges, filter backwash, or other pollutants and hazardous wastes according to approved methods and in approved locations;
• Installation of facilities required for sampling and monitoring;
• Allowing inspection and monitoring by Town;
• No transfer or reassignment of Permit;
• Providing any information requested by Control Authority for evaluation of Permit, compliance or noncompliance status, or discharge characteristics; and
• Any other conditions or requirements of the Permit, the Ordinance, or the Program that the Industrial User needs to know to achieve compliance.

10. Notification of penalty for noncompliance.
11. Notification of penalty for falsification of information or tampering.
12. Expected date for compliance with effluent limitations and relevant Best Management Practices bested on the intended discharge.

Section 10105.4. Industrial Discharge Permit Appeals

Any person, including the User, may petition the *Town* to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
B. In its petition, the appellant User must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
D. If the Town or its designee fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 10115.2 of this Ordinance.

Section 10105.5. Industrial Discharge Permit Modification.

The Town or its designee may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the water quality in the receiving waters;
E. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
F. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
G. To correct typographical or other errors in the Industrial Discharge Permit; or
H. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 10105.6 of the Ordinance.

The User will be informed of any modifications in the Permit at least 30 days prior to the effective date of change and shall be allowed a reasonable time schedule for compliance.

Section 10105.6. Industrial Discharge Permit Transfer.

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Town or its designee and the Town or its designee approves the Industrial Discharge Permit transfer. The notice to the Town or its designee shall include a written certification by the new owner or operator that:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
B. Identifies the specific date on which the transfer is to occur; and
C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.

Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

Section 10105.7. Industrial Discharge Permit Reissuance.

A User with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 10104.7 of this Ordinance, a minimum of one hundred and eight (180) days prior to the expiration of the User's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

A. The Industrial User has submitted a complete permit application at least one hundred and eighty (180) days prior to the expiration date of the User's existing permit; and
B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Industrial User.

Section 10105.8. Regulation of Waste Received from Other Jurisdictions.

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Town, or its designee shall enter into an intermunicipal agreement with the contributing municipality.
B. Prior to entering into an agreement required by paragraph A, above, the Town, or its designee shall request the following minimum information from the contributing municipality:
    1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
    2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
    3. Such other information as the Town or its designee may deem necessary.
C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
    1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance, and local limits including required Baseline Monitoring Reports which are at least as stringent as those set out in Section 10102.6 of this Ordinance to ensure that the

pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;

2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying all pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality and will be conducted by the *Town, or its designee;*
4. A requirement for the contributing municipality to provide the *Town, or its designee* with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the *Towns* access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the *Town or its designee;* and
8. A provision specifying remedies available for breach of the terms contained within the agreement.

Section 10106. Reporting Requirements.

Section 10106.1. Baseline Monitoring Reports.

A. Within either one hundred eighty (180) days subsequent to the effective date of either a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6.a (4), whichever is later, existing categorical Users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Town, or its designee a report that contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Town, or its designee a report that contains the information listed in paragraph B, below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
B. Users described above shall submit the information set forth below:

1. All information required in Section 10104.7(B), 10104.7(C), 10104.7(D) and 10104.7(G);
2. Measurement of Pollutants.
    a. The User shall provide the information required in Section 10104.7(H)(1) through 10104.7(H)(4).
    b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6.e to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6.e this adjusted limit along with supporting data shall be submitted to the Control Authority;
    d. Sampling and analysis shall be performed in accordance with Section 10106.11 and 10106.12;
    e. The Town, or its designee may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to deten11ine the need for industrial pretreatment measures;
    f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the Pretreatment Standards and requirements.
4. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this

section shall meet the requirements specified in Section 10106.2 of this Ordinance

5. Signature and Report Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 10106.15 of this Ordinance.

Section 10106.2, Compliance Schedules/Progress Reports.

The following conditions shall apply to the compliance schedules required by Sections 10106.1(B)(4) and 10109.2 of this Ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards, including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
B. No increment referred to in 10106.2(A) shall exceed nine (9) months and total compliance schedule shall not exceed 18 months;
C. The User shall submit a progress report to the Town, or its designee no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the User to return to the established schedule; and
D. In no event shall more than nine (9) months elapse between such progress reports to the Town or its designee.

Section 10106.3. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and requirements shall submit to the Town, or its designee a report containing the information described in Sections 10104.7(G), 10104.7(H) and 10106.1(B)(2) of this Ordinance. For Users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 10106.15(A) of this Ordinance. All sampling will be done in conformance with Section 10106.12.

Section 10106.4. Periodic Compliance Reports.

A. Except as specified in Section 10106.4(C), all Significant Industrial Users shall, at a frequency determined by the Town, or its designee but in no case less than twice per year (June and December, or on dates specified), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Town, or its designee or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The Town may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

    1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
    2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater. discharge permit. See Section 10104.7(I).
    3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
    4. The request for a monitoring waiver must be signed in accordance with the definition of Authorized or Duly Authorized Representative of the User in Appendix A, and include the certification statement in 10106.15(C).
    5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
    6. Any grant of the monitoring waiver by the Town, or its designee must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver

must be maintained by the Town or its designee for 3 years after expiration of the waiver.

7. Upon approval of the monitoring waiver and revision of the User's permit by the Town, or its designee, the Industrial User must certify on each report with the statement in Section 10106.14(C) below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 10106.4(A), or other more frequent monitoring requirements imposed by the Town and notify the Town or its designee.
9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 10109 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Town, or its designee decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

C. All periodic compliance reports must be signed and certified in accordance with Section 10106.15(A) of this Ordinance.
D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to maintain its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
E. If a User subject to tile reporting requirement in this section monitors any pollutant more frequently than required by the Town or its designee using the procedures prescribed in Sections 10106.11 and 10106.12 of this Ordinance, the results of this monitoring shall be included in the report.

Section 10106.5. Reports of Changed Conditions.

Each Industrial User shall notify the Town, or its designee of any planned significant changes to the User’s operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Town or its designee may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 10104.7 of this Ordinance.
B. The Town or its designee may issue an Industrial Discharge Permit under Section 10105.7 of this Ordinance or modify an existing Industrial Discharge Permit under Section 10105.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

Section 10106.6. Reports of Slug/Potentially Adverse Discharges.

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Town, or its designee of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the User.
B. Within five (5) days following such discharge, the User shall, unless waived by the Town, or its designee, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties or other liability that may be imposed pursuant to this Ordinance.
C. A notice shall be permanently posted on the User's employee bulletin board or other prominent place advising employees who to call in the event of a discharge described in· paragraph A, above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.
D. Significant Industrial Users are required to notify the Town, or its designee immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 10106.7. Reports from Unpermitted Users.

All Users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Town, or its designee as required.

Section 10106.8. Notice of Violation/Repeat Sampling and Reporting.

If the results of sampling performed by a User indicate a violation, the User shall notify the Town within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town or its designee within thirty (30) days subsequent to becoming aware of the violation. The User is not

required to resample if the Town or its designee monitors at the User's facility at least once a month, or if the Town or its designee samples between the User's initial sampling and when the User receives the results of this sampling.

Section 10106.9. Notification of the Discharge of Hazardous Waste.

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Commissioner, and DEP hazardous waste authorities, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges in excess of one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications shall occur no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under Section 10106.5 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 10106.1, 10106.3. and 10106.4 of this Ordinance.
B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
C. In the case of any new regulations under Section 3001 of the federal Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User shall notify the Town, or its designee, the EPA Regional Waste Management Waste Division Commissioner, and DEP hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the User shall certify that it has implemented a Pollution Prevention Plan as described in Section 10103.4 of this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically practicable.
E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal and State laws, rules and regulations.

Section 10106.10. Pollution Prevention Reports.

Permitted Industrial Users discharging pollutants on the "local limits" or "pollution prevention action" lists of Section 10103.4 of this Ordinance, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants.

Section 10106.11. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFK Part 136, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA or DEP determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Town, or its designee or other parties approved by EPA or DEP.

Section 10106.12. Sample Collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section 10104.6(H) (Measurement of Pollutants) and paragraphs B and C below, the User must collect wastewater samples using 24-hour-flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town, or its designee. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for

volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. A single grab sample may also be used in place of a composite sample with approval of the Town, or its designee when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

D. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

E. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 10106.1 and 10106.3 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Town, or its designee may authorize a lower minimum. For the reports required by Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Section 10106.13. Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report be the person designated in the Industrial (or General) Discharge Permit shall govern.

Section 10106.14. Record Keeping.

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring with Best Management Practices established under Section 10102.E. Records shall include the date, exact location, method, and time of sampling, .and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall

remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Town, or its designee. Before destroying the records, the Industrial User shall request and receive permission from the Town.

Section 10106.15. Certification Statements.

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver - The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 10104.8; Users submitting baseline monitoring reports under Section 10106.1(B)(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 10106.3; Users submitting periodic compliance reports required by Section 10106.4; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 10106.4(B)(4). The following certification statement must be signed by an Authorized Representative as defined in Appendix A:
   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
B. Certification of Pollutants Not Present - Users that have an approved monitoring waiver based on Section 10106.4(B) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.
   "Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 10106.4(A)."

Section 10107. Powers and Authorities of Inspectors.

Section 10107.1. Compliance Monitoring.

The Town shall investigate instances of noncompliance with the industrial Pretreatment Standards and requirements. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing Users and conduct surveillance and inspection activities to identify,

independently of information supplied by such Users, occasional and continuing noncompliance with industrial Pretreatment Standards. Each Industrial User will be billed directly for costs incurred for analysis of its wastewater.

Section 10107.2. Right of Entry: Inspection and Sampling.

All Industrial Users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel ("Inspector(s)") for the purpose of determining whether the User is complying with all requirements of this Ordinance, and any Industrial Discharge Permit or Order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. If a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
B. The Inspector(s) shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
C. The Inspector(s) may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.
D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the User.
E. Unreasonable delays in allowing the Inspector(s) access to the User's premises shall be a violation. of this Ordinance.
F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The Industrial User may request that the information in question not-be disclosed to the public in accordance with Section 10108 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the User.

G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the User. The user shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the User against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the monitoring activities, except as such may be caused by negligence or failure of the User to maintain safe conditions.
H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
I. The Town, or its designee and other duly employees of the Town bearing proper credentials and identification shall inspect the premises of any consumer for leakage or other wastes of metered water upon the request of the consumer. Such a request may be required in writing by the Town. The Town shall not be held liable-for any condition that may prevail or exist that is discovered by inspection of the Town.

Section 10107.3. Seach Warrants.

If the Town, or its designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or Order issued hereunder , or to protect the overall public health, safety and welfare of the community, then the Town, or its designee may seek issuance of a search warrant from the Somerset District Court.

Section 10108. Confidential Information/Public Participation.

Section 10108.1. Confidential Information.

Information and data on a User obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Town, or its designee inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Town, or its designee, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held

confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 10108.2. Public Participation.

The Town shall comply with the public participation requirements of 40 CPR Part 25 in the enforcement of industrial Pretreatment Standards and requirements.

Section 10109. Administrative Enforcement Remedies.

Section 10109.1. Notification of Violation.

When the Town, or its designee determines that a User has violated any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, the Town, or its designee may serve initially an informal 24-hour notification by phone call. The Town or its designee fills out the Telephone Discussion/Site Visit Report form for every phone call, site visit or discussion that is related to pretreatment and puts documentation in User's file.

A. Initial Notification of Violation - Possible reasons for the violations are discussed with the User during the User's 24-hour notification phone call. The User is encouraged to investigate the violation. Changes in process, chemical usage, and sampling techniques are discussed with the user. The Town suggests possible changes in sample handling procedures and also may suggest splitting the retest between two laboratories. The Town might offer to split the sample collected for retest. If the Town has received proper notification, and a retest is submitted to the Town within 30 days, no further action is required on the Town's part.
B. Repeat Violations - During the 24-hour notification phone call, the Town, or its designee, asks if an investigation of the violation was performed by the User, and what steps are being used to ensure no reoccurrence.
C. Repeat Paperwork Violations - The Town initiates a phone call and/or sends a written Notification of Violation as required. During the phone call, the Town, or its designee discusses the reasons for the violation, and the Town's next enforcement options.

When the Town, or its designee determines that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, the Town, or its designee will serve a written Notice of Violation to the User on a standard form. Within the time period specified

in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Town, or its designee. Submission of such a plan in no way relieves the User of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town, or its designee to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

Section 10109.2. Compliance Schedule Development.

The Town or its designee may require any User that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this Section shall meet the requirements set out in Section 10106.2 of this Ordinance. A compliance schedule pursuant to this section shall comply with the following conditions:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standard's including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
B. No increment referred to above shall exceed nine (9) months;
C. The User shall submit a progress report to the Town, or its designee no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum. whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the action being taken by the User to return to the established schedule; and
D. In no event shall more than nine (9) months elapse between such progress reports to the Town or its designee.

Section 10109.3. Pollution Prevention Plan Development

The Town or its designee may require any User that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, to develop a pollution prevention plan in accordance with Section 10103.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Town or its designee no later than sixty (60) days after the User was notified of this requirement.

Section 10109.4. Publication of Users in Significant Noncompliance.

The Town shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User) that violates paragraphs C, D or H of this Section and shall mean:

A. Chronic violations of Industrial Discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 10102.
B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 10102 multiplied by the applicable criteria (Appendix A for BOD, TSS, fats, oils and grease, and 10101.2 for all other pollutants except pH);
C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 10102 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town, or its designee determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Town, or its designee exercise of its emergency authority to halt or prevent such a discharge;
E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an Industrial Discharge Permit or Enforcement Order for starting construction, completing construction, or attaining final compliance;
F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports. on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
G. Failure to accurately report noncompliance; or
H. Any other violation(s), which may include a violation of Best Management Practices, which the Town, or its designee determines will adversely affect the operation or implementation of the local pretreatment program.

Section 10109.5. Administrative Order (AO).

A Town Official may issue a Show Cause Hearing Order to a User that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement. The AO is an enforcement document that directs the Industrial User to undertake and/or cease specific activities by specified deadline. The AO is the minimum level of enforcement used to address significant noncompliance.

A. The title of the AO shall specify the type of Order being issued, to whom it is being issued, the purpose of the Order and be printed on Town of Hartland letterhead.
B. Legal Authority - The AO shall identify the authority under which the Order is issued.
C. Finding of Significant Noncompliance - All violations shall be described, including the date, the specific Permit or Ordinance provisions violated, and any damages attributable to the violation.
D. Ordered Activity - The AO shall identify all ordered activities including installation of treatment technology, additional monitoring, appearance at a show cause hearing, termination of service, etc.
E. Dates for Corrective Actions - Where compliance schedules are used; all progress dates must be established including due dates for any required written reports.
F. Standard Clauses - Such as: Compliance with the terms and conditions of the AO will not be construed to relieve the Industrial User of its obligation to comply with applicable Federal, State, or local law.

Section 10109.6. Show Cause Hearing Order

A Town Official may issue via an Administrative Order a Show Cause Hearing Order to a User that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the Town Officials and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action; and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the User.

Section 10109.7. Cease and Desist Orders.

When the Town Officials determines that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur,

the Town Officials may issue via an Administrative Order a Cease-and-Desist Order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and
B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge;
C. Issuance of a Cease-and-Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Section 10109.8. Consent Orders

The Town Officials are hereby empowered to enter into Consent Order(s), assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such Orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the Order. The Order(s) may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance including the installation of pretreatment systems, additional self-monitoring, and management practices. Such Orders shall have the same force and effect as Orders issued pursuant to Sections 10109.5 and 10109.6 of this Ordinance and shall be judicially enforceable.

Section 10109.9. Industrial Discharge Permit Termination.

Any Industrial User who violates this Ordinance, terms and conditions of the wastewater discharge permit, Pretreatment Standard or requirement, Order, or any applicable State or Federal law; or the following conditions is subject to permit termination:

A. Failure to notify and report to the Town, or its designee of significant changes in operations or Wastewater constituents/characteristics within a reasonable time period prior to the changed discharge;
B. Failure to provide prior notification to the Town, or its designee of changed conditions pursuant to Section 10106.5 of this ordinance;
C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
D. Falsifying self-monitoring reports and certification statements;
E. Tampering with monitoring equipment;
F. Refusal of reasonable access to the User's facility premises to the Town, or its designee to allow timely inspection, monitoring, sampling or record review;
G. Failure to meet effluent limitations;
H. Failure to pay fines;
I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;
K. Failure to complete an Industrial Discharge permit application; or
L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

Such User will be notified of the proposed termination of its discharge and will be offered an opportunity to show cause under Section 10109.6 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Town, or its designee shall not be a bar to, or a prerequisite for, taking any other action against the User.

Section 10109.10. Termination of Discharge.

In addition to the provisions in Section 10109.9 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of industrial Discharge Permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
D. Refusal of reasonable access to the User's premises for the purpose of inspection. monitoring, or sampling; or
E. Violation of the discharge standards in Section 10102.3 of this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10109.6 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Town, or its designee shall not be a bar to, or a prerequisite for, taking any other action against the User.

Section 10109.11. Emergency Suspensions.

The Town Officials may immediately issue a Suspension Order to suspend a User's discharge. subsequent to informal notice to the User, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to threaten or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Town or its designee may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment or causes the Town to violate any condition of its MEPDES permit.

A. Any User notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a User's failure to immediately comply

with the Suspension Order, the Town, or its designee may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Town or its designee may allow the User to recrudesce its discharge when the User has demonstrated to the satisfaction of the Town Officials that the period of endangerment has passed, unless the termination proceedings in Section 10109.8 or 10109.9 of this Ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures implemented to prevent any future occurrences, to the Town, or its designee prior to the date of any show cause or termination hearing under Sections 10109.6, 10109.9 or 10109.10 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Section 10109.12. Administrative Fine.

The Town will determine the amount of any fine on a case-by-case basis. The Town has the. authority to fine an amount up to $10,000 per each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Administrative fines are an escalated enforcement response, particularly when Notices of Violations or Administrative Orders have not prompted a return to compliance. When using this enforcement response, the Town shall consider the following factors:

A. The type and severity of the violation;
B. The number of violations cited;
C. The duration of noncompliance;
D. The impact of the violation on the receiving water, sludge quality, POTW operation and/or the environment;
E. Whether the violation threatened human health;
F. Whether the Industrial User derived economic benefit or savings from the noncompliance;
G. The compliance history of the Industrial User;
H. Whether the Industrial User is making good faith efforts to restore compliance; and
I. Any other policy considerations normally involved in an enforcement decision.

Administrative Fines are particularly appropriate when the Industrial User remains in noncompliance after receiving repeated Notice of Violations or when the Industrial User violates terms of an Administrative Order.

Section 10109.13. Recovery of Expenses.

Any person or Industrial User violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Town, or its designee or Town Officials shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or, User responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

Section 10109.14. Harm to Town Property.

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Ordinances, and shall also be subject to penalties under State and Federal statutes.

Section 10110. Judicial Enforcement Remedies.

Section 10110.1. Injunctive Relief.

When the Town determines that a User has violated, or continues to violate; any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, the Town, may petition the Somerset County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, Order, or other requirement imposed by this Ordinance on activities of the User. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a User.

Section 10110.2. Civil Litigation.

Civil Litigation is a formal process whereby the Town files a law suit against the Industrial User to secure court ordered action to correct violations and to secure penalties for the violations. It is an appropriate enforcement response in the following general situations:

A. Emergency situations where injunctive relief is necessary in order to halt or prevent discharges which threaten human health or the environment, or interfere with the POTW;

B. When efforts to restore compliance through cooperation with the Industrial User have failed and court supervised settlement is necessary to enforce program requirements; and/or
C. To impose civil penalties and recover losses incurred due to the noncompliance.

In addition to the penalties obtained through the issuance of an Administrative Fine the Town may recover any and all damages, including punitive damages, plus attorney's fees, court costs, and other expenses of litigation by appropriate suit at law against the person or entity found to have violated the Ordinance or the orders, rules, regulations, and permits.

Section 10110.3. Civil Penalties.

A. A User who has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement shall be liable to the Town for a maximum civil penalty of $10,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
B. The Town Selectmen may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town Selectmen shall petition the Court to impose, assess, and recover such sums.
C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for. implementing any other action against a User.

Section 10110.4. Criminal Prosecution.

Any person or Industrial User who knowingly, or recklessly, makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the Ordinance or Permit willfully or negligently violates any provision of this Ordinance or any Orders or permits issued or who falsifies, tampers or knowingly renders inaccurate any monitoring device or method required under the Ordinance, hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed $10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. In addition to the penalties provided herein, the Town may recover any and all damages, including punitive

damages, plus attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person or entity found to have violated this ordinance or the orders, rules regulations, and permits issued under the Ordinance.

Section 10110.5. Nonexclusive Remedies.

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may pursue other action against any User without limitation, including ex parte temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant User.

Section 10111. Supplemental Enforcement Action.

Section 10111.1. Performance Bonds.

The Town Officials may decline to issue or reissue. an Industrial Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Town Officials to be necessary to achieve consistent compliance.

Section 10111.2. Liability Insurance.

The Town Officials may decline to issue or reissue an Industrial Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Section 10111.3. Public Nuisances.

A violation of any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Town Officials. Any person(s) creating a public nuisance shall be subject to the provisions of the Town governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

Section 10112. Affirmative Defenses to Discharge Violations.

Section 10112.1. Upset.

A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards due to factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of paragraph C, below. are met.
C. A User who intends to establish the affirmative defense of upset shall demonstrate. through properly signed, contemporaneous operating logs, or other relevant evidence that:
    1. An upset occurred and the User can identify the cause(s) of the upset;
    2. At the time being of the upset, the facility was operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures: and
    3. The User has submitted the following information to the Town of its designee within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
        a. A description or the discharge and cause of noncompliance;
        b. The period of noncompliance, including exact dates and times or, it not corrected, the amount of time the noncompliance is expected to continue; and
        c. Action being implemented and /or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
F. Users shall control all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of the power of the treatment facility is reduced, lost, or fails.

Section 10112.2. Prohibited Discharge Standards.

User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 10102.3(A) of this Ordinance, or the

specific prohibitions in Sections 10102.3(B) of this Ordinance if it can prove that it did not know. or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause paths through Pass Through or Interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference: or
B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its MEPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

Section 10112.3. Bypass.

A. For the purposes of this Section:
    1. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.
    2. “Severe Property damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable; or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
B. A User may allow any bypass to occur that does not cause Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this Section.
C. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Town, or its designee, at least ten (10) days before the date of the bypass, if possible.
    1. A User shall submit oral notice to the Town, or its designee of an unanticipated bypass that exceeds applicable Pretreatment. Standards within-twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Town or its designee may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
D. Bypass

1. Bypass is prohibited, and the Town, or its designee may initiate enforcement action against a User for a bypass, unless:
    a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
    b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
    c. The User submitted notices as required under paragraph C of this Section.
2. The Town or its designee may approve an anticipated bypass, subsequent to considering its adverse effects, if the Town or its designee determines that it will meet the three conditions listed in paragraph D(l) of this Section.

Section 10113. Septage Disposal.

No person shall discharge hauled septage at the Town's wastewater POTW who does not hold a septage hauler permit issued pursuant to DEP.

A copy of such permit shall be filed by the permit holder with the Town. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the Town.

Section 10113.1. Septage Hauler Requirements.

A. A permitted hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in Section 10113.4 of this Ordinance.
B. Those persons, firms, corporations, municipal subdivisions or institutions that conform to state definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Town, or its designee.
C. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, or the contents of grease, gas, oil and/or sand interceptors into the Town's wastewater treatment facility without specific authorization of the Town Officials.

Section 10113.2. Temporary Septage Permits.

The Town or its designee may issue a temporary permit to allow the discharge of septage at a point of discharge other than the wastewater treatment facility in a situation where such temporary discharge point is necessary to protect the health and welfare of the Town. The Town Officials shall issue such permit upon such terms .and conditions as the Town Officials deems to be in the best interests of the Town. The temporary permit shall not be valid for a period exceeding twelve (12) months. The Town Officials shall have the right to revoke or suspend the temporary permit in the event that the terms and conditions are not met.

Section 10113.3. Septage Permits.

A. Any septage hauler who intends to dispose of septage within the limits of the Town shall first obtain a permit therefore from the Town.
B. Such permit as issued by the Town shall identify:
    1. The motor vehicle;
    2. The capacity of the tank;
    3. The DEP Permit Number; and
    4. Any other details of compliance with DEP rules.
C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
    1. Each septic tank truck shall be equipped with either a sight level by which the quantity of the contents of each tank may be ascertained by sight or an access port through which the quantity of the contents of each truck may be ascertained by depth measurements.
    2. Prior to discharging the load, the hauler shall record the following information in a log at the POTW:
        a. The hauler's name;
        b. Date;
        c. Time of disposal;
        d. Volume disposed;
        e. Origin of load (property owner's name, address, and telephone number); and
        f. Nature of the waste (i.e., holding tank or septage) being disposed.
    3. Such log as described in Section 10113.3(C)(2) shall be located in the office of the Town or its designee.
    4. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process.

Section 10113.4. Septage Disposal Charge.

There shall be a Septage Disposal Charge as established by the Ordinance for the receipt of septage into the Town's POTW for treatment. In the event that the permittee has either a

defective sight level, no sight level attached to the track, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Town Officials.

Section 10114. Validity.

A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

Section 10115. Interpretation of Requirements.

Section 10115.1. Interpretation.

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Plumbing Inspector acting in and for the Town of Hartland, Maine through the Town Office of the Selectmen.

Section 10115.2. Appeals.

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Town Manager, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Town Manager, then the aggrieved party shall have the right to appeal to the Somerset County Superior Court for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Town Manager.

Section 10116. Effective Date.

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

This ordinance shall take effect upon vote of the Legislative Body (Town Meeting) of the Town of Hartland.

Adopted: October 27, 2009

Effective: October 27, 2009

Amended: September 12, 2014

Article 2: Solid Waste Ordinance

Section 10201. Purpose and Authority.

This ordinance regulates the acceptance, transportation, and disposal of municipal solid waste generated within the borders of the Town of Hartland in order to protect the health, safety, and welfare of the residents and property owners thereof, and applies to all residential, commercial and industrial generators of waste in the Town of Hartland. The authority of this Ordinance is granted in Maine Statutes 30A MRSA sec. 3001 et seq. and 38 MRSA sec. 1301 et seq.

Section 10202. Facility Use**.**

a. All residents, all property owners and resident businesses of the town shall have the right to use the solid waste facility operated by the town unless that privilege has been revoked as hereinafter provided.
b. Use of the solid waste facility operated by the town shall be conditioned upon display of the necessary permit.
c. Permit stickers shall be available to residents and resident businesses only and must be on or before January 1st of each year. Those wishing to obtain a permit must provide proof of residency or ownership of property in the Town of Hartland for each permit requested.
d. Seasonal permits for use of the Transfer Station may be issued to property owning non-residents for the disposal of waste generated within the borders of the town. Those wishing to obtain a seasonal permit must identify where the waste for which disposal is desired was generated.

Section 10203. Authority of the Board.

a. Establishment of Rules
    (1) The Board has the authority and responsibility to establish rules as permitted or required by this ordinance.
    (2) The Board may adopt or change any rule proposed in accordance with this ordinance only after consideration of said changes at a public meeting.
    (3) The Board shall provide public notice seven (7) days in advance of the effective date of any rule adopted or changed by the Board except in the case of an "emergency."
b. The Board has authority to establish fees for disposal of construction and demolition debris, white goods, furniture, tires, metals, and other acceptable waste, not to include municipal solid waste, generated within the borders of the town at the solid waste facility or facilities with which the town has disposal contracts. Those rules shall be based on but not limited to the following criteria:

(1) In the event that weight is difficult to determine, fees shall be levied on the basis of volume, determined as closely as possible. If reliable scales become available to the Town, fees may be based on the basis of weight.
(2) All fees shall be levied in advance of disposal or deposit in receptacles at the solid waste facility for transfer to disposal site(s).
(3) Fees shall be based on the cost to the town for disposal and transportation of those wastes.

c. The Board has authority to establish rules with respect to permits, such as placement of permits on vehicles, as deemed necessary, and to charge a reasonable fee (up to $25) for said permits.
d. The Board has authority to establish operating hours for all town-owned solid waste facilities. These hours shall be established with the goal of providing the maximum safety and convenience to the greatest number of persons at the lowest possible cost.
e. Board Authority as It Pertains to Commercial Haulers.
(1) The Board has authority to establish additional rules applicable to commercial haulers of waste including but not limited to requiring said haulers to transport collected materials to an end disposal site other than town-owned facilities.
(2) The Board shall also have authority to require additional information for licensing of commercial haulers as deemed necessary.
f. The Board has authority to establish any other rules pertaining to the definition of illegal disposal deemed necessary for the protection of the health, safety and welfare of the residents of the town.
g. The Board has the authority to establish additional rules regarding the transportation of waste within the borders of the town as are necessary to protect the health and safety of the residents of the town or to comply with State and/or Federal mandates.
h. The Board has the authority to establish rules prohibiting the disposal of demolition debris by Contractors, or the disposal of demolition debris from the demolition of whole structures.

Section 10204. Solid Waste Manager.

a. The Solid Waste Manager/Attendant shall report to and work under the supervision of the Town Manager and be given such authority as deemed necessary for the purpose of upholding State and Federal solid waste management laws, rules and regulations, the provisions of this ordinance, and any rules made in accordance with this ordinance.
b. The Solid Waste Manager and/or the Attendant(s) at the solid waste facility shall have the responsibility and authority to enforce established rules regarding fees for disposal and other rules.

Section 10205. Commercial Haulers.

a. All commercial haulers, as defined herein, performing waste hauling services to residences, businesses, or any other entities for solid waste generated solely within the borders of the town must be licensed by the town annually.
b. Information to be supplied by the commercial hauler in order to be licensed by the town shall include, but not be limited to:
   (1) Proof of registration for each of the vehicles that will be used for waste hauling services.
c. Fees for commercial hauler permits shall be established by rule.
d. Any commercial hauler who is not properly licensed shall be in violation of this ordinance.

Section 10206. Transportation of Waste.

a. All waste transported over the roads, public or private, within the borders of the town must comply with State and Federal laws and standards.
b. Failure to comply with the standards for transportation of waste established herein constitutes a violation of this ordinance, as well as State and Federal laws and regulations.

Section 10207. Illegal Disposal.

Disposal of waste within the borders of the town at any location other than that which has been established by the Board shall constitute illegal disposal. Illegal disposal shall include the following:

(1) Disposal of waste in any location at the solid waste facility other than where instructed by attendant.
(2) Disposal of waste in any location at the solid waste facility before or after designated operating hours.
(3) Disposal of waste in any location within the borders of the town other than at the solid waste facility, or other approved locations.
(4) Disposal of waste at the solid waste facility that is improperly prepared according to established rules.
(5) Disposal of waste at the solid waste facility without displaying the proper permit(s) or paying any established disposal fees.
(6) Disposal of any non-acceptable waste.
(7) Disposal of any waste for which the solid waste facility has not been designed, licensed, and approved.
(8) Composting of organic or agricultural materials on one’s own property is not considered illegal disposal according to the provisions of State and Federal law and this ordinance.

Section 10208. Hazardous Waste.

The dumping of any hazardous waste as defined in 38 M.R.S.A. Sec. 1303-A at the solid waste facility or other unapproved locations within the borders of the town is strictly forbidden, with the following exceptions:

(1) Household hazardous waste may be collected on designated collection days at the solid waste facility for safe transport in accordance with State and Federal laws as deemed necessary and appropriate by the Board.
(2) Items such as appliances which contain hazardous material within their normal working parts may be collected at the solid waste facility for safe transport as deemed necessary and appropriate by the Board.

Section 10209. Recycling Required.

All solid waste generated in the Town of Hartland shall have recyclables separated and delivered to the collection site(s) designated by the Municipal Officials. The items required to be recycled shall be designated by the Municipal Officials.

Section 10210. Violations.

a. Illegal disposal, as stated in Section 10207 is a violation of this Ordinance. In addition to other penalties outlined in this section, the cost of clean-up and all costs associated with proper disposal shall be borne by, but not limited to; individuals, partnerships, corporations and their agents responsible for the deposition.
   Whenever the Municipal Officials or their agents find any person, firm, partnership, corporations or their agents to be in violation of this Ordinance, the following procedure shall apply:
   (1) A written notice of violation shall be delivered to the person.
   (2) If the violation or a separate violation is found to exist after the first notice, then a second notice shall be delivered.
   (3) If the violation or a separate violation is found to exist beyond the second notice, then the Municipal Officials shall pursue other penalties outlined in this section.
b. Any person, business, or entity who violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of permit for a minimum of one year and a fine not to exceed $100.00.
c. Any commercial hauler who violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of town license for a minimum of one year and a fine not to exceed $1,000.00.
d. Any person, business, or entity found in violation of this ordinance or any rule made in accordance with this ordinance shall be permitted to use the town solid waste facility only

if twelve consecutive months have passed without their committing a subsequent violation.

e. Any person, business, or entity charged with violation of this ordinance shall have the right to a hearing before the Board if so requested. A hearing shall be for the purpose of allowing both sides in the case to present testimony, both personal and from witnesses, which the Board shall consider in making its decision. In those cases where a penalty may be assessed the Board shall notify the person charged with violation of this ordinance of the right to a hearing. The person shall have seven (7) days from the date of notice to request a hearing, or that right will be considered waived. In the absence of a request for a hearing the Board shall make its decision based on the information available to it. All decisions of the Board are final.
f. In addition to any of the civil penalties described herein, any person, firm or corporation found in violation of this ordinance or any rule made in accordance with this ordinance shall be liable to the town for all costs associated with the violation.

Section 10211. Enforcement.

The Town Manager, Code Enforcement Officer, or their agents shall enforce this Ordinance on behalf of the Municipal Officials, and have the authority to inspect solid waste to determine violations of the Ordinance.

Section 10212. Severability.

The invalidation of any section or part of this ordinance shall not invalidate any other section or part of this ordinance.

Section 10213. Amendments and Enactment.

This Ordinance may be amended by majority vote of the municipal governing body, at a regular or Special Town Meeting. Enactment of this Ordinance supersedes and makes the Town of Hartland Recycling Ordinance null and void.

Section 10213. Effective Date.

This ordinance shall take effect upon vote of the Legislative Body (Town Meeting) of the Town of Hartland.

Adopted: August 6, 2009

Effective: August 6, 2009

Chapter 11: Zoning and Planning

Article 1: Shoreland Zoning Ordinance and Map

Section 11101. Purposes.

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

Section 11102. Authority.
This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 11103. Applicability.

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

Section 11104. Effective Date of Ordinance and Ordinance Amendments.

This Ordinance, which was adopted by the municipal legislative body on June 5, 2023, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

Section 11105. Availability.

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

Section 11106. Severability.

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

Section 11107. Conflicts with Other Ordinances.

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

Section 11108. Amendments.

This Ordinance may be amended by majority vote of the legislative body.[1] Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty- five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 11109. Districts and Zoning Map.

A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
   (1) Resource Protection
   (2) Limited Residential

[1] [This Ordinance was adopted on June 5, 2023, pursuant to Article 3 of the Town of Hartland Special Town Meeting Warrant, Monday, June 5, 2023, and was subsequently modified by adoption of Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 at the same Special Town Meeting on June 5, 2023. See attached certified Record of Vote regarding the Town of Hartland Special Town Meeting Warrant, Monday June 5, 2023 ("Section 11119, Special Town Meeting, June, 5, 2023").]

(3) Special Local Condition Limited Commercial [Modified by Section 11119, Special Town Meeting, June 5, 2023, Changing Limited Commercial to Special Local Condition Limited Commercial. See Section 11119 for specific changes.][2]
(4) General Development I [Modified by Section 11119, Special Town Meeting, June 5, 2023, changing certain properties in General Development I to Special Local Condition General Development. See Section 11119 for specific changes.] [3]
(5) Stream Protection

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

NOTE: Because of map scale or other reason, a municipality may have a series of maps depicting its shoreland zone.

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

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 11108, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 11110. Interpretation of District Boundaries.

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

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[2] [Limited Commercial modified by Article 11 of the Special Town Meeting Warrant adopted at the June 5, 2023 Special Town Meeting. See attached Hartland Special Town Meeting Warrant (June 5, 2023), which eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

[3] [General Development I was subsequently modified by Articles 5-10 and 12-13 of the Special Town Meeting, June 5, 2023. See Section 11119, Special Town Meeting, June 5, 2023, which designated properties as Special Local Condition General Development.]

NOTE: The Maine Supreme Judicial Court has held that the Official Shoreland Zoning Map is the primary tool to which to refer in determining district boundaries under ordinances that are not more explicit in their district descriptions than the language of the Guidelines, and that where there is inconsistency between the Map and these general text descriptions of the shoreland districts as provided in the minimum guidelines, the Map prevails.

Section 11111. Land Use Requirements.

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

Section 11112. Non-Conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 11112. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.

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

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

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

C. Non-Conforming Structures.

(1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 11115(B)(l). 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 and is in accordance with subparagraphs (a) and (b) below.

a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 11112(C)(l).
    i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 11112(C)(1) or Section 11112(C)(1)(a), above.
    i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
    ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland

must meet the footprint and height limits in Section 11112(C)(l)(b)(i) and Section 11112(C)(l)(c)(i), above.

iii. In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 11112(C)(l)(b)(i) and Section 11112(C)(1)(c)(i), above.

d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(2) Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 11112(C)(3) Relocation, below.

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

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 11115(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(4) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 11112(C)(1) above, as determined by the non-conforming

footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 11112(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 11112(C)(3) above, the physical condition and type of foundation present, if any.

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

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

D. Non-Conforming Uses.

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 11112(C)(l) above.

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year

extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

(3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 11112(C)(5) above.

E. Non-Conforming Lots.

(1) Non-Conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on June 18, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
b. Any lots that do not meet the frontage and lot size requirements of Section 11112(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 11113. Establishment of Districts.

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, or General Development I need not be included within the Resource Protection District.

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water. These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

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

less intensively than those in the Limited Commercial District,[4] the General Development Districts, or the Commercial Fisheries/Maritime Activities District.

C. Special Local Condition Limited Commercial District [Modified by Section 11119, Special Town Meeting, June 5, 2023, Changing Limited Commercial to Special Local Condition Limited Commercial. See Section 11119 together with Section 11118 for specific changes and description].[5]

D. General Development I District [Modified by Section 11119, Special Town Meeting, June 5, 2023, changing certain properties from General Development to Special Local Condition General Development. See Section 11119 for specific changes].[6] The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

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

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[4] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

[5] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

[6] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Articles 5-10 and 12-13 modified those properties previously zoned General Development by designating them as Special Local Condition General Development.]

regulated under the terms of the shoreland district associated with that water body or wetland.

Section 11114. Table of Land Uses [Modified by Section 11119, Special Town Meeting, June 5, 2023. See Section 11119 together with Section 11118 for specific changes].

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 11115. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

LR - Limited Residential

SLCLC – Special Local Condition Limited Commercial [Modified by Section 11119, Special Town Meeting, June 5, 2023, changing Limited Commercial to Special Local Condition Limited Commercial. See Section 11119 together with Section 11118 for specific changes.]

GD - General Development I [Modified by Section 11119, Special Town Meeting, June 5, 2023, changing certain properties in General Development I to Special Local Condition General Development. See Section 11119 together with Section 11118 for specific changes.][7]

SP- Stream Protection

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[7] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

Table 1. Land Uses in the Shoreland Zone						
Land Uses		District				
		SP	RP	LR	SLCLC[13]	GD[14]
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes		Yes
2.	Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes		Yes
3.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	Yes		Yes
4.	Fire prevention activities	Yes	Yes	Yes		Yes
5.	Wildlife management practices	Yes	Yes	Yes		Yes
6.	Soil and water conservation practices	Yes	Yes	Yes		Yes
7.	Mineral exploration	No	Yes[2]	Yes[2]		Yes[2]
8.	Mineral extraction including sand and gravel extraction	No	PB[3]	PB		PB
9.	Surveying and resource analysis	Yes	Yes	Yes		Yes
10.	Emergency operations	Yes	Yes	Yes		Yes
11.	Agriculture	Yes	PB	Yes		Yes
12.	Aquaculture	PB	PB	PB		Yes
13.	Principal structures and uses					
	A. One and two family residential, including driveways	PB[4]	PB[9]	PB		PB
	B. Multi-unit residential	No	No	PB		PB
	C. Commercial	No	No[10]	No[10]		PB
	D. Industrial	No	No	No		PB
	E. Governmental and institutional	No	No	PB		PB
	F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	PB		CEO
	G. Residential structures in use as a vacation rental	Yes	Yes	Yes		Yes
14.	Structures accessory to allowed uses	PB[4]	PB	CEO		Yes
15.	Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland a. Temporary b. Permanent	 CEO[11] PB	 CEO[11] PB	 CEO[11] PB		 CEO[11] PB
16.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI		LPI
17.	Home occupations	PB	PB	PB		Yes
18.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI		LPI
19.	Essential services	PB[6]	PB[6]	PB		PB
	A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	Yes[12]		Yes[12]
	B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB[6]	PB[6]	CEO		CEO
	C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB[6]	PB[6]	PB		PB
	D. Other essential services	PB[6]	PB[6]	PB		PB
20.	Service drops, as defined, to allowed uses	Yes	Yes	Yes		Yes
21.	Public and private recreational areas involving minimal structural development	PB	PB	PB		PB
22.	Individual, private campsites	CEO	CEO	CEO		CEO
23.	Campgrounds	No	No[7]	PB		PB
24.	Road construction	PB	No[8]	PB		PB
25.	Parking facilities	No	No[7]	PB		PB
26.	Marinas	PB	No	PB		PB
27.	Filling and earth moving of <10 cubic yards	CEO	CEO	Yes		Yes
28.	Filling and earth moving of >10 cubic yards	PB	PB	CEO		CEO
29.	Signs	Yes	Yes	Yes		Yes
30.	Uses similar to allowed uses	CEO	CEO	CEO		CEO
31.	Uses similar to uses requiring CEO permit	CEO	CEO	CEO		CEO
32.	Uses similar to uses requiring a PB permit	PB	PB	PB		PB

[1] In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
[2] Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
[3] In RP not allowed in areas so designated because of wildlife value.
[4] Provided that a variance from the setback requirement is obtained from the Board of Appeals.
[5] Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
[6] See further restrictions in Section 11115(L)(2).
[7] Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
[8] Except as provided in Section 11115(H)(4).
[9] Single family residential structures may be allowed by special exception only according to the provisions of Section 11116(E), Special Exceptions. Two-family residential structures are prohibited.
[10] Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

[11] Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
[12] Permit not required but must file a written "notice of intent to construct" with CEO.

[13] Modified by Section 11119, Special Town Meeting, June 5, 2023. See Section 11119 together with Section 11118 for specific changes, eliminating any property zoned as strictly limited commercial and designating property as Special Local Condition Limited Commercial with corresponding land uses. See Section 11119 for allowed uses.

[14] Modified by Section 11119, Special Town Meeting, June 5, 2023. See Section 11119 together with Section 11118 for specific changes modifying the zoning designation and land uses for properties identified in articles 5-10 and 12-13 from General Development to Special Local Condition General Development. See Section 11119 for allowed uses.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland."

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
b. Draining or otherwise dewatering;
c. Filling, including sand or other material to a sand dune; or
d. Any construction or alteration of any permanent structure.

Section 11115. Land Use Standards.

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

A. Minimum Lot Standards. [Modified by Section 11119, Special Town Meeting, June 5, 2023. See Section 11119 together with Section 11118 for specific changes modifying minimum lot standards for Identified Special Local Condition properties.]

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
a. Residential per dwelling unit		
i. Within the Shoreland Zone		
Adjacent to Non-Tidal Areas	40,000	200
b. Governmental, Institutional, Commercial, or Industrial per principal structure		
i. Within the Shoreland Zone		
Adjacent to Non-Tidal Areas	60,000	300
c. Public and Private Recreational Facilities		
i. Within the Shoreland Zone		
Adjacent to Non-Tidal Areas	40,000	200

[See Section 11119 together with Section 11118 for Minimum Lot Area and Minimum Shore Frontage for identified Special Local Condition Properties]

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
As an example, an accessory dwelling unit must meet the same requirements as the primary structure on the lot. So, as the town requires 40,000 sq ft of land and 200 ft of shore frontage per dwelling unit, then to have an accessory dwelling unit on the property, the lot must have a minimum of 80,000 sq ft of land in the shoreland zone and 400 ft of shore frontage. Further information on the requirements of an accessory dwelling unit is found under statute 30-A M.R.S.A. §4364-B.

NOTE: When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structures.

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

**NOTE: The *Natural Resources Protection Act*, 38 M.S.R.A. sections 480-A through 480-HH, requires the Department of Environmental Protection to designate areas of “significant wildlife habitat."

Permitting under the *Natural Resources Protection Act* for activities adjacent to significant wildlife habitat areas may require greater setbacks. Contact your local Department of Environmental Protection office to see if additional permitting is required.**

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
b. All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Section 11117), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, 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.
c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
d. The Planning Board is authorized 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 are not limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

NOTE: All tidal land which is subject to tidal action during the highest annual tide is coastal wetland.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial,[8] and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

NOTE: The height measurement is taken from the waterside of the structure from the bottom at ground level and includes daylight basements to the highest peak of the roof.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.
For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

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[8] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

a. The site has been previously altered and an effective vegetated buffer does not exist;
b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks;
g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
    i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
    ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
    iii. Only native species may be used to establish the buffer area;
    iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
    v. A footpath not to exceed the standards in Section 11115(P)(2)(a), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or

over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

(1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 11115(A), a second structure may be allowed and may remain as long as the lot is not further divided.

(2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(3) The location shall not interfere with existing developed or natural beach areas.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

(5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.

(8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(9) Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(10) Vegetation may be removed in excess of the standards in Section 11115(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
b. Revegetation must occur in accordance with Section 11115(S).

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

(11) A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:

a. The total deck area attached to the structure does not exceed 700 square feet;
b. The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
c. The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
d. The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 11115(B); and
e. The construction of the deck complies with all other state and federal laws.

**NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to

the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.**

D. Campgrounds. Campgrounds, as defined in Appendix A, shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites and Recreational Vehicles. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

(3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high- water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules or served by public sewage facilities and connected to an approved water and power supply.

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

(1) Auto washing facilities
(2) Auto or other vehicle service and/or repair operations, including body shops
(3) Chemical and bacteriological laboratories
(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
(5) Commercial painting, wood preserving, and furniture stripping
(6) Dry cleaning establishments
(7) Electronic circuit assembly
(8) Laundromats, unless connected to a sanitary sewer
(9) Metal plating, finishing, or polishing
(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
(11) Photographic processing
(12) Printing

G. Parking Areas.

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal

distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet 1ong, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   b. Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

Section 11115(H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 11115(H)(l) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
   a. To provide access to structures or facilities within the zone; or
   b. When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 11115(T).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high- water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips

before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

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

I. Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts[9]:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area.[10] Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

[9] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

[10] [Per Section 11119 of the Hartland Special Town Meeting, June 5, 2023, adoption of Article 11 eliminated any property zoned as strictly Limited Commercial and instead designated property as Special Local Condition Limited Commercial.]

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in areas relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff.

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The *Stormwater Management Law* (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by- rule is necessary for a project with one acre or more of disturbed area but less than 1-acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal.

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance,

from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services.

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 11115(M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal

high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The *State of Maine Solid Waste Laws*, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture.

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

O. Timber Harvesting – Repealed – Bureau of Forestry will administer all Timber Harvesting Regulations in the Town of Hartland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section 11115(Q).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section 11115(P)(l), above, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 11115(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	**Points**
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

**NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1) + (2x2) + (3x4) + (2x8) = 36 points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36-24 =12) may be removed from the plot provided that no cleared openings are created.**

The following shall govern in applying this point system:

i. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
ii. Each successive plot must be adjacent to, but not overlap a previous plot;
iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 11115(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 11115(P) paragraphs (2) and (2)(a) above.
d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 11115(Q), below, unless existing new tree growth is present.
f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related

equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 11115(P)(2).

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.
In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 11115(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
d. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
e. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
ii. Stumps from the storm-damaged trees may not be removed;
iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements.

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 11115(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 11115(P) apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 11115(B) are not applicable;

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 11115(N) are complied with;

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

a. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
   a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
   b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
   c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 11115(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation,

in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:
   a. All trees and saplings removed must be replaced with native noninvasive species;
   b. Replacement vegetation must at a minimum consist of saplings;
   c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
   d. No one species shall make up 50% or more of the number of trees and saplings planted;
   e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
   f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
   a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
   b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
   c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
   d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
   e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
   a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
   b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
   c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control.

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
   a. Mulching and revegetation of disturbed soil.
   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
   c. Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

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

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

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

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

The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: The Maine Historic Preservation Commission is the contact for the listing and location of Historic Places in their community.

Section 11116. Administration.

A. Administering Bodies and Agents.

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

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

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

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

a. The replacement culvert is not more than 25% longer than the culvert being replaced;
b. The replacement culvert is not longer than 75 feet; and
c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application.

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 11114.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

(5) When **any contractor**, as an individual or firm engaged as a business, such as an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

(6) Photographic record required. **Applicants are required to provide preconstruction and postconstruction photographs of the site to include shoreline vegetation to the permitting authority. Preconstruction photographs are submitted with the permit application and postconstruction photographs are submitted no later than 20 days after completion of the development to the permitting authority.**

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 11114, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

(1) Will maintain safe and healthful conditions;
(2) Will not result in water pollution, erosion, or sedimentation to surface waters;
(3) Will adequately provide for the disposal of all wastewater;
(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;
(6) Will protect archaeological and historic resources as designated in the comprehensive plan;
(7) Will avoid problems associated with floodplain development and use; and
(8) Is in conformance with the provisions of Section 11115, Land Use Standards.

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

E. Special Exceptions. In addition to the criteria specified in Section 11116(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a

single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:
   a. Located on natural ground slopes of less than 20%; and
   b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals.

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

NOTE: Whether an administrative appeal is decided on an "appellate" basis or on a "de novo" basis, or whether an enforcement decision is appealable to the board of appeals, shall be the decision of the municipality through its specific ordinance language. The Department is not mandating one alternative over the other. If a municipality chooses appeals procedures different from those in Section 11116(H), it is recommended that assistance be sought from legal counsel to ensure that the adopted language is legally sound.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted only under the following conditions:

a. Variances may be granted only from dimensional requirements including, but not limited, to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

i. The proposed structure or use would meet the provisions of Section 11115 except for the specific provision which has created the non-conformity and from which relief is sought; and
ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
    1. That the land in question cannot yield a reasonable return unless a variance is granted;
    2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    3. That the granting of a variance will not alter the essential character of the locality; and
    4. That the hardship is not the result of action taken by the applicant or a prior owner.

d. Notwithstanding Section 11116(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 11116(H)(2)(f) and 11116(H)(4)(b)(iv) below.
e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure
   a. Making an Appeal
      i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 11116(H)(l)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
      ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
         1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
         2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
      iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

ii. The person filing the appeal shall have the burden of proof.

iii. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement.

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance

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

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

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S,A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

Section 11117. Significant River Segments Identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;
2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;
4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;
5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;
6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;
7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;
8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;
9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;
10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and
12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

Section 11118. Special Local Condition List.

Owner and Property Address	**Map and Lot**	**Acres/Sq Feet**	**Water Frontage**	**Current Use**	**Previous Uses and Information** (some buildings were vacant prior to current use)	**Proposed Zone**
J&K Properties, LLC on Commercial Street	020-034	0.05/2,178	n/a	1 Building – Laundry Mat	laundry mat	GD1
Irving Tanning Co. on Commercial Street	020-032	0.22/9,583	n/a	parking lot	parking lot	GD1
Thomas Harville (estate of) on 12 Commercial Street	020-031	0.07/3,049	n/a	1 Building – vacant	retail store	GD1
Charles Buker on 49 Main Street	020-020	0.20/8,712	n/a	1 Building – Redemption center and apartments	thrift store and apartment building	GD1
Town of Hartland on 9 Hubbard Ave	020-019	0.36/15,681	345’ on river	1 Building – Food Cupboard/Pantry	fire station	GD1
Moose Market, LLC on 67 Main Street	020-014	0.72/31,363	n/a	1 Building – grocery store	grocery	GD1
Robert Bryant on 1009 Great Moose Drive	026-028	1.0/43,560	300’	Residence and Brewery (garage)	residence and multi-use/storage car dealership	LC
Joshua Holmbom on 20 Pittsfield Avenue	018-032	1.20/52,272	170’ on river	1 Building – Grill/restaurant	gas station/mini mart	GD1
Christopher Fiore on 68 Main Street	018-033	0.40/17,424	n/a	1 Building - vacant	gas station/mini mart	GD1
no others----------						

Section 11119. Special Local Condition Zoning, Use, Lot Size and Frontage Designations for Identified Properties. Town of Hartland Special Town Meeting Minutes Monday, June 5, 2023.

To: Freeman Ramsdell, a resident of the Town of Hartland, County of Somerset, State of Maine.

GREETING:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Hartland in said county and state, qualified by law to vote in town affairs, to meet at the *Irving Tanning Community Center*, in said Town on Monday, June 5, 2023 A.D. at six o'clock in the evening, then and there to act on Article 1 through Article 15 set out below;

And, to notify and warn said inhabitants to meet at the *Irving Tanning Community Center*, in said Town on Monday, June 6, 2023 A.D. at 6 o'clock in the evening, then and there to act on Articles 1 through 15 as set out below, to wit:

(As reading above warrant, made notation that the June 6, was a clerical error, should have been June 5th).

Art. 1: To choose a moderator to preside at said meeting.

Nomination made for Harold "Hadley" Buker. Harold was elected by majority vote. Three voters came forward to do written ballots. 1 No Vote.

Art 2: To see if the Town will vote to increase the Administration line from Art. 12 on the vote on May 6, 2023 in the amount of $285,140 to $315,140 (increase of $30,000) due to additional anticipated cost of legal expenses.

Moved and Second.

Discussion: How much are legal fees so far? How will the town justify expenses to one business. Do we have Liability Insurance?

Response: $30,000 is what we are asking for and hoping we don't have to spend it. There are many businesses on this list and want to support all your businesses. No specific amount is designated to Bryants'. We have liability insurance but that doesn't cover legal fees.

Motion to make this article a written ballot: 23 No Votes.

Article 2 Voted on: Passed – majority vote was yes.

Art. 3: Shall the Town of Hartland adopt an ordinance titled Shoreland Zoning Ordinance that is intended to bring the Town of Hartland into compliance with State of Maine Chapter 1000 titled

Guidelines for Municipal Shoreland Zoning Ordinances adopted by the State of Maine 1/26/2015.

Motioned and Second.

Discussion: Motion to bundle Article 3 through 13 into 1 vote.

Discussion: Resident stated, if vote together we are strong-arming everyone into one vote. Another resident stated to go ahead bundle articles to get this accomplished. Another resident stated if you single them out this will go on forever. Another resident stated they wanted all articles read prior to taking a vote. A comment was made you can't amend the articles.

Motion was moved and second to allow John Pottle (Lawyer) to speak. ***(1 No Vote)*** **He spoke on the question of the amending of the articles. Either method of voting: slate or article by article isn't changing the substance of the article, you are jut changing the method of voting on it.**

To bundle articles 3-13. Voted 100 yes and 57 no.

Motion was moved and second, to have all the articles read prior to voting on the articles. Voted 97 yes and 58 no.

Discussion: By bundling it seems that the person suggested is the one who benefits to bundle. Another resident stated by bunding it just gets it done. Another resident wanted clarification if prior to this, 1009 Great Moose Drive built as a residential/commercial and tax situation.

Answer from John Pottle: has not personally looked at the property card(s). From prior meetings, and own due diligence there was prior commercial activity in the garage. Each specific property read needs a change of use permit.

Articles 3-13 Passed: Votes: 135 yes, and 40 no.

Selectmen and Planning Board Recommend

**Draft ordinance is available at the Town Office and will be provided as separate document at the Special Town Meeting.

Art. 4: Shall the Town of Hartland adopt the Shoreland Zoning Map the incorporates the Resource Protection, Stream Protection, and Limited Residential zones from the 2009 Shoreland Zoning Map with the following updates:

Below the Morgan Dam all properties within 250 feet of the west side of the high water mark of the Sebasticook River following along Mill Street, Hubbard Avenue and Pittsfield Avenue all the way to the Palmyra Town Line will be zoned General Development 1 Zone.

Below the Morgan Dam all properties within 250 feet of the high water mark along Water Street to Commercial Street will be zone Limited Residential zone.

Below the Morgan Dam all properties within 250 feet of the high water mark of the east side of the Sebasticook River starting at Seekins Street following along Commercial Street, the Tannery lots, and along Elm Street will be zoned General Development 1 Zone to the Palmyra Town Line.

Above the Moran Dam at Map 26 Lot 28, owned by Robert Bryant will be zoned Limited Commercial District.

Selectmen Recommend

**Draft map is available at the Town Office and will be provided as separate document at the Special Town Meeting.

Selectmen Recommend Article 5 through 13

Art. 5: Shall the Town of Hartland approve J & K Properties on Commercial Street known as Map 020 Lot 034, with the approximate lot square footage of 2,178 feet, with a current use as a Laundromat as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 6: Shall the Town of Hartland approve Irving Tanning Co. on Commercial Street known as Map 020 Lot 032, with the approximate lot square footage of 9,583 feet, with a current use as a Parking Lot as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 7: Shall the Town of Hartland approve Thomas Harville (Estate of) on Commercial Street known as Map 020 Lot 031, with the approximate lot square footage of 3,049 feet, with a current use as a Vacant Building as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 8: Shall the Town of Hartland approve Charles Buker on Main Street known as Map 020 Lot 020, with the approximate lot square footage of 8,712 feet, with a current use as a Redemption Center & Apartment Complex as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 9: Shall the Town of Hartland approve Town of Hartland on Hubbard Avenue known as Map 020 Lot 019, with the approximate lot square footage of 15,681 feet, with 345 feet on the river, with a current use as a Food Cupboard/Pantry as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 10: Shall the Town of Hartland approve Moose Market LLC on Main Street known as Map 020 Lot 014, with the approximate lot square footage of 31,363 feet, with a current use as a Grocery Store as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 11: Shall the Town of Hartland approve Robert Bryant on Great Moose Drive known as Map 026 Lot 028, with the approximate lot square footage of 43,560 feet with 300 feet on lake, with a current use as a Residence and Brewery in Garage as a Special Local Condition property (due to small lot size) in a Limited Commercial zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 12: Shall the Town of Hartland approve Joshua Holmbom on Pittsfield Avenue known as Map 018 Lot 032, with the approximate lot square footage of 52,272 feet with 170 feet on the river, with a current use as a Restaurant/Grill as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

Art. 13: Shall the Town of Hartland approve Christopher Fiore on Main Street known as Map 018 Lot 033, with the approximate lot square footage of 17,424 feet, with a current use as a Vacant Building as a Special Local Condition property (due to small lot size) in a General District 1 zone as depicted on Appendix B of the Shoreland Zone Ordinance subject to a Shoreland Zone Permit Application and change of use designation being applied for and approved within 120 days?

**Appendix B is available at the Town Office and will be provided as separate document at the Town Meeting.

Art. 14: Shall the Town adopt an ordinance entitled Building and Property Maintenance Ordinance.

Motioned and Second to move the article. No Discussion. Article Passed. 5 Opposed.

Selectmen & Planning Board Recommend

** Draft ordinance is available at the Town Office and will be provided as separate document at the Special Town Meeting.

Art. 15: Shall the Town adopt an ordinance titled Planning Board Ordinance Town of Hartland.

Motioned and Second to move the article.

Discussion: We have no definition of immediate family member. There is no definition of what conflict of interest is.

Answer: John Pottle: immediate family member: example: husband and wife, and parent and child, can't be on the board together. Conflict of interest: 2 sources: 1. Statute defines what conflict of interest is: example if you own a business (100 or 10% owner) and you are also a planning board member, you can't act if you planning board hat on, when you're reviewing an application for a project. 2. Common law interest: fact & circumstantial specific: example: if you have personal interest you can't effectively justify the situation or look at the material objectively then you would have a conflict of interest.

Discussion: Another resident stated if you are serving on the planning board you need to follow the state regulations, and we have manuals and states who can and can't serve on the board. Years ago, we only have 4 or 5 families intown willing to serve, and there were brothers and sisters on that board. But now we have more people interested, and we have to follow the MMA and state regulations.

Motion and second to vote: Passed. 1 opposed.

Selectmen & Planning Board Recommend.

Meeting ended: 7:30 pm

There was 191 voters present.

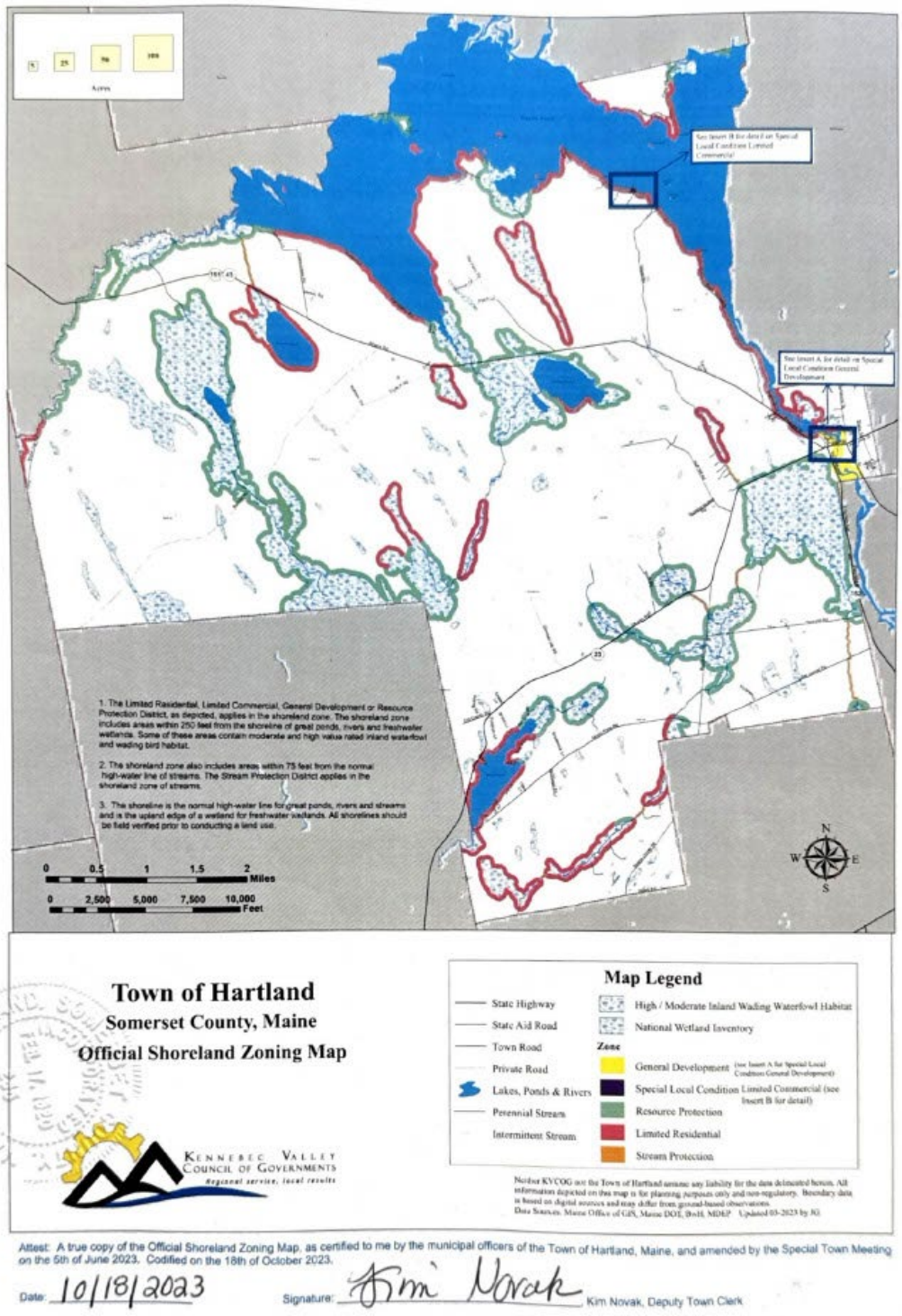
Dated: 6/22/23

Minutes signed by: John Hikel, Selectman; Mark Brooks, Selectman; Jerry Martin, Selectman

Attested by: Kimberly Novak, Interim Town Clerk

** NOTE: Appendix B of the Shoreland Zone Ordinance as referred to in these minutes is Section 11118, Special Condition List, of the Municipal Code of Ordinances of the Town of Hartland. **

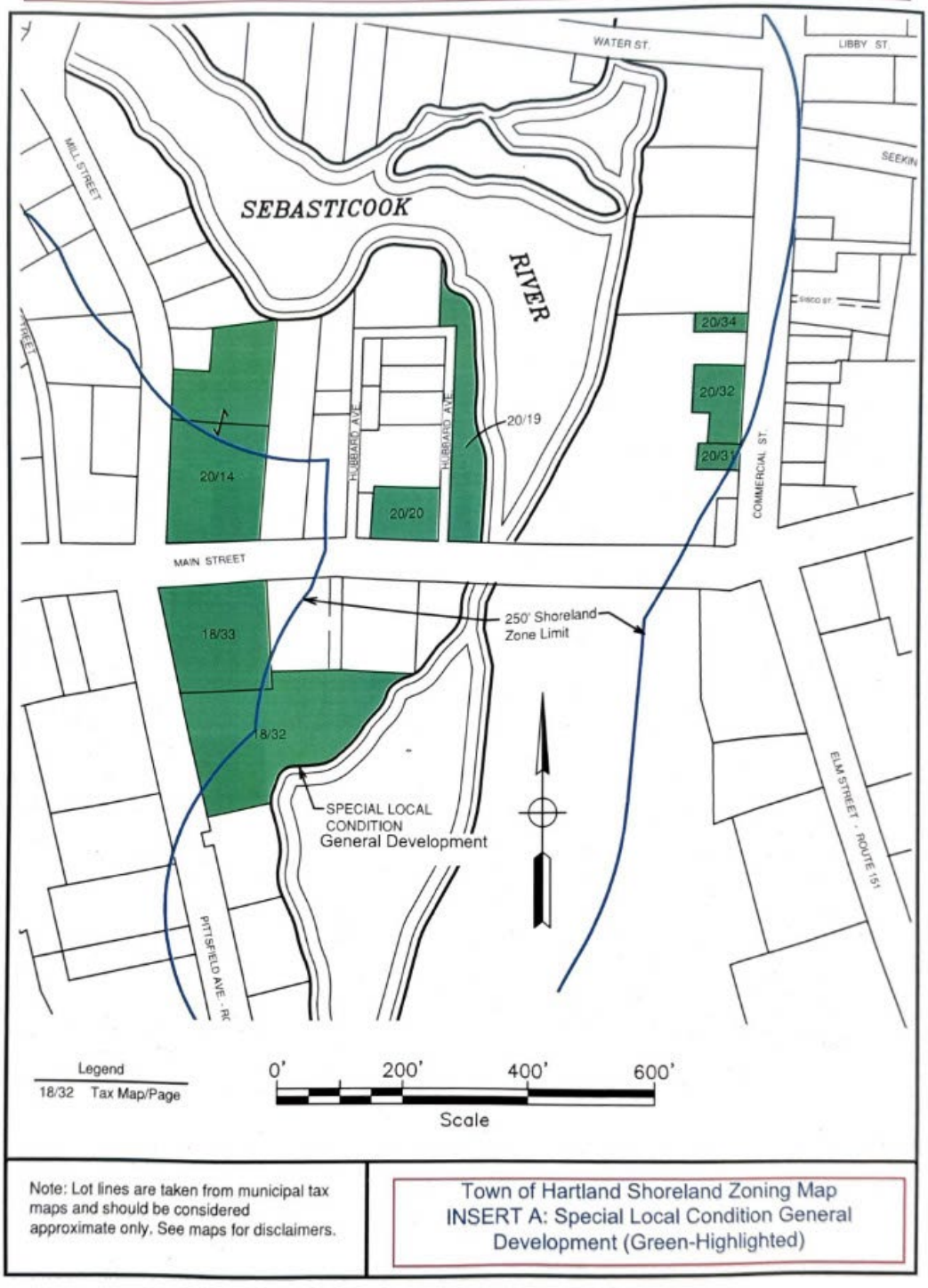
Section 11120. Shoreland Zoning Map and Inserts.



Attest: A true copy of the Official Shoreland Zoning Map, as certified to me by the municipal officers of the Town of Hartland, Maine, and amended by the Special Town Meeting on the 5th of June 2023. Codified on the 18th of October 2023.

Date: 10/18/2023 Signature: Kim Novak Kim Novak, Deputy Town Clerk

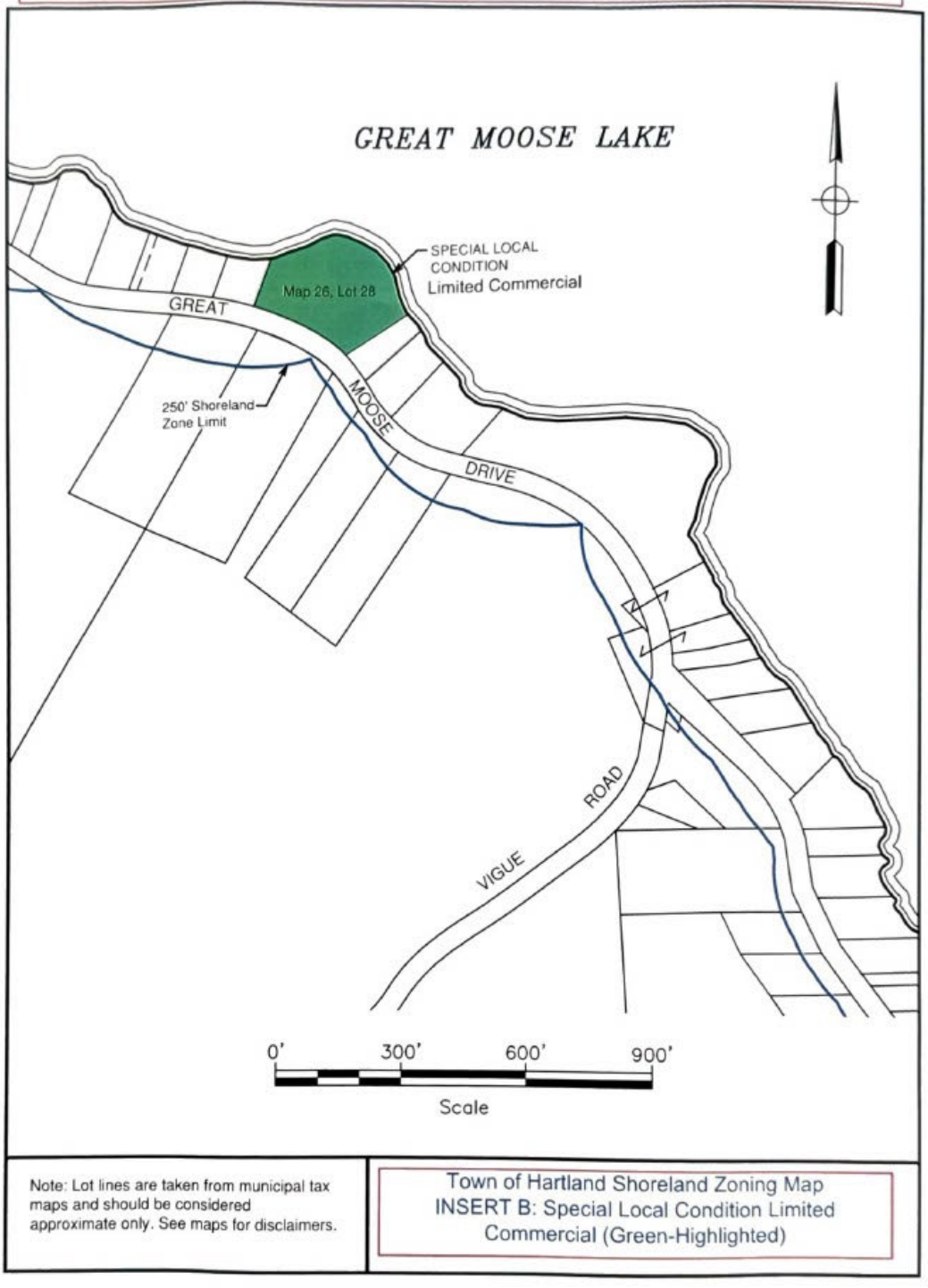
INSERT A: SPECIAL LOCAL CONDITION GENERAL DEVELOPMENT



Note: Lot lines are taken from municipal tax maps and should be considered approximate only. See maps for disclaimers.

Town of Hartland Shoreland Zoning Map
INSERT A: Special Local Condition General Development (Green-Highlighted)

INSERT B: SPECIAL LOCAL CONDITION LIMITED COMMERCIAL



Note: Lot lines are taken from municipal tax maps and should be considered approximate only. See maps for disclaimers.

Town of Hartland Shoreland Zoning Map
INSERT B: Special Local Condition Limited Commercial (Green-Highlighted)

Adopted: October 15, 1974

Effective: October 15, 1974

Amended: May 16, 2009; June 5, 2023

Title 2: Supplemental Documentation

Town of Hartland Special Purpose Properties (No Campaigning, Loitering, or Protesting) (June 22, 2021)

Hartland Pollution Control Facility 162 Pittsfield Avenue

Purpose: Process domestic, commercial and industrial waste water by removing solids from liquid and cleaning the water to an acceptable level so the water can be returned to the environment

Access: Special Purpose Authorized Personnel only

Public Benefit: Cleaning water to protect the environment

Risk/Liability: Sabotage/poisoning the process and releasing contaminates to the environment

Authority: Town of Hartland, Maine Department of Environmental Protection and Homeland Security

Pleasant Street Pump Stations 130 Pleasant Street/007-035-099

Purpose: Pump domestic wastewater from lower lying properties to the Treatment Plant

Access: Special Purpose Authorized Personnel only

Public Benefit: Protects environment from overflows of sewage

Risk/Liability: Sabotage that causes a release to the environment

Authority: Town of Hartland, Maine Department of Environmental Protection

Dam/Base of Dam 019-052/019-054

Purpose: Control water level in Great Moose Lake

Access: Special Purpose Authorized Personnel only

Public Benefit: Protect downtown are from flooding

Risk/Liability: Drowning/risk of loss of life in undertow

Authority: Town of Hartland, Maine Department of Environmental Protection, US Army Corp of Engineers

Sebasticook River/Moose Lake Bypass Channel (Behind Shirley Humphrey's house), Sebasticook River LB (Wall system on edge of the river adjacent to Tannery properties), Sebasticook River LF Flood Reduction System (At left hand side of dam, perpendicular off Water Street to the concrete wall)

Purpose: Retain water in flood conditions

Access: Special Purpose Authorized Personnel only

Public Benefit: Protect residential and commercial areas from flood

Risk/Liability: Damage to infrastructure

Authority: Town of Hartland, Maine Department of Environmental Protection, and US Army Corp of Engineers

Contacted Inland Fisheries and Wildlife, Maine DEP, and US Army Corp of Engineers no rules/guidelines/restrictions on distance from the dam. 06/06/2022

Railroad Adjacent 152 and Cemeteries

Purpose: Snowmobile/ATV Trail

Access: Nontraditional, snowmobilers, and ATVers

Public Benefit: Part of recreational trail system

Risk/Liability: Safety issue standing on trail

Authority: Town of Hartland

Sand Shed Pittsfield Avenue

Purpose: Store sand and salt

Access: Special Purpose Authorized Personnel only

Public Benefit: Storage of sand and salt on concrete to protect environment from salt contamination and winter road safety

Risk/Liability: Public safety from equipment and truck traffic

Landfill 1 Cal's Way

Purpose: Dispose of special waste such as contaminated soil, sludge, CDD, ash

Access: Special Purpose Authorized Personnel only

Public Benefit: Managing special waste disposal for private companies, residents, and other municipalities to protect the environment

Risk/Liability: Public safety

Authority: Town of Hartland and Maine Department of Environmental Protection

Transfer Station 534 Athens Road

Purpose: Disposal of household waste products

Access: Special Purpose Authorized Personnel only

Public Benefit: Managing household trash to protect the environment

Risk/Liability: Public safety from moving vehicles, equipment, congestion with traffic

Authority: Town of Hartland and Maine Department of Environmental Protection

Fire Station 43 Canaan Road

Purpose: Store fire trucks, equipment, and training meetings

Access: Special Purpose Authorized Personnel only

Public Benefit: Fire safety for the Town and mutual aid communities

Risk/Liability: Prohibiting timely response to emergencies

Authority: Town of Hartland

Appendix A: Definitions

30-Day Need (Title 1, Ch. 5, Art. 2) is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Accessory Dwelling Unit (Title 1, Ch. 2, Art. 1) means a self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. (Chapter 5, 19-100 Department of Economic and Community Development and 30-A MRSA§4364-B.)

Accessory Structure or Use (Title 1, Ch. 11, Art. 1) means 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.

Act or the Act (Title 1, Ch. 10, Art. 1) means The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Adjacent Grade (Title 1, Ch. 4, Art. 1) means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Administrator (Title 1, Ch. 5, Art. 2) refers to "General Assistance Administrator," below.

Aggrieved Party (Title 1, Ch. 11, Art. 1) means an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture (Title 1, Ch. 11, Art. 1) means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental green-house products. Agriculture does not include forest management and timber harvesting activities.

Animal (Title 1, Ch. 7, Art. 1) means any living creature classified as a member of the animal kingdom including, but not limited to, birds, fish, mammals and reptiles, but specifically excluding human beings.

Animal Control Facility (Title 1, Ch. 7, Art. 1) means any facility owned, approved, and/or contracted by the Town of Hartland for the purpose of housing, impounding, quarantine, medical treatment, or euthanasia of animals.

Animal Control Officer (ACO) (Title 1, Ch. 7, Art. 1) means the person or persons, including but not limited to the appointed ACO and law enforcement for Hartland, designated by the Town of Hartland to act as the representative for the town in the impoundment of animals and in the controlling of stray animals which come into the custody of the town.

Applicant (Title 1, Ch. 5, Art. 2) is a person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form (Title 1, Ch. 5, Art. 2) is a standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Approval Authority (Title 1, Ch. 10, Art. 1) refers to the State of Maine DEP or their duly appointed agent.

Area of a Shallow Flooding (Title 1, Ch. 4, Art. 1) means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard (Title 1, Ch. 4, Art. 1) means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

At Large (Title 1, Ch. 7, Art. 1) refers to dogs and other domestic animals off the premises of the owner/keeper and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

Approval Authority (Title 1, Ch. 10, Art 1.) means State of Maine DEP or their duly appointed agent.

Aquaculture (Title 1, Ch. 11, Art. 1) means the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Authorized or Duly Authorized Representative of the User (Title 1, Ch. 10, Art. 1) means

a. If the User is a corporation: The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has ben assigned or delegated to the manager in accordance with corporate procedures.
c. If the User is a partnership or sole proprietorship: A general partner or proprietor, respectively.
d. If the User is a Federal, State, or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
e. The individuals described in paragraphs a through c, above, may designate another authorized representative. if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Town.

Basal Area (Title 1, Ch. 11, Art. 1) means the area of cross-section of a tree stern at 4 1/2 feet above ground level and inclusive of bark.

Base Flood (Title 1, Ch. 4, Art. 1) means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the l00-year flood.

Basement (Title 1, Ch. 4, Art. 1) means any area of the building having its floor subgrade (below ground level) on all sides.

Basement (Title 1, Ch. 11, Art. 1) means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Basic Necessities (Title 1, Ch. 5, Art. 2) means food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs,

basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

Basic Necessities do not include:

Phone Bills	Furniture	Credit card debt**	Vacation costs
Cable or satellite dish television	Loan repayments**	Pet care costs	Legal fees
Mail orders	Cigarettes	Late fees	Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement. cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).
Vehicle payments	Alcohol	Key deposits	
** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.			

Best Management Practices or BMPs (Title 1, Ch. 10, Art. 1) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 10102.1. A and B [40 CFR 403.5(a)(l) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand or BOD (Title 1, Ch. 10, Art. 1) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/1).

Board (Title 1, Ch. 10, Art. 2) means the Board of Selectmen.

Boat Launching Facility (Title 1, Ch. 11, Art. 1) means a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Building (Title 1, Ch. 4, Art. 1) see ***Structure***.

Building Drain (Title 1, Ch. 10, Art. 1) means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste. and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building Sewer (Title 1, Ch. 10, Art. 1) means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Bureau of Forestry (Title 1, Ch. 11, Art. 1) means the State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

Bypass (Title 1, Ch. 10, Art. 1) means the intentional diversion of waste streams from any portion of a wastewater treatment facility.

Campground (Title 1, Ch. 11, Art. 1) means any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy (Title 1, Ch. 11, Art. 1) means the more or less continuous cover formed by tree crowns in a wooded area.

Case Record (Title 1, Ch. 5, Art. 2) means an official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request. for fair hearing; and fair hearing decisions.

Casualty (Title 1, Ch. 2, Art. 1) means any unforeseeable, unintended damage affecting a property.

Cat (Title 1, Ch. 7, Art. 1) means both male and female felines.

Categorical Assistance (Title 1, Ch. 5, Art. 2) means all state and federal income maintenance programs.

Categorical Pretreatment Standard or Categorical Standard (Title 1, Ch. 10, Art. 1) means any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User (Title 1, Ch. 10, Art. 1) is User subject to a categorical Pretreatment Standard or categorical Standard.

Certificate of Compliance (Title 1, Ch. 4, Art. 1) means a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Changeable Sign (Title 1, Ch. 9, Art. 1) means an on-premises sign created, designed, manufactured, or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.

Chemical Oxygen Demand or COD (Title 1, Ch. 10, Art. 1) is a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Claimant (Title 1, Ch. 5, Art. 2) means a person who has requested a fair hearing.

Code Enforcement Officer (CEO) (Title 1, Ch. 2, Art. 1) is the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Code Enforcement Officer (Title 1, Ch. 4, Art. 1) means any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Combined Sewer (Title 1, Ch. 10, Art. 1) is a sewer intended to receive both wastewater and storm or surface water.

Commercial Hauler (Title 1, Ch. 10, Art. 2) means any person, firm, corporation, or partnership with a business in handling or hauling waste for compensation.

Commercial Use (Title 1, Ch. 10, Art. 1) means premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

Commercial Use (Title 1, Ch. 11, Art. 1) means the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Commissioner (Title 1, Ch. 10, Art. 1) means the Commissioner of the Maine Department of Environmental Protection or the commissioner's duly appointed agent.

Compatible Pollutant (Title 1, Ch. 10, Art. 1) means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.

Construction and Demolition Debris (Title 1, Ch. 10, Art. 2) includes lumber, bricks, masonry, asphalt, shingles, insulation and other similar materials. It does not include asbestos.

Contractor (Title 1, Ch. 10, Art. 3) means any person, firm, corporation, or partnership with a business of construction or demolition for compensation.

Control Authority (Title 1, Ch. 10, Art. 1) refers to the Town of Hartland Publicly Owned Treatment Works.

Curfew Hours (Title 1, Ch. 5, Art. 1) means the hours from 10:01 p.m. until 6:00 a.m. of the following day.

Daily Maximum (Title 1, Ch. 10, Art. 1) is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit (Title 1, Ch. 10, Art. 1) means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Dangerous Dog (Title 1, Ch. 7, Art. 1) means a dog or wolf hybrid that bites an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner/keeper's premises at the time of the bite or a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner/keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use. "Dangerous dog" does not include a dog or wolf hybrid that bites or threatens to assault an individual who is on the dog or wolf hybrid owner/keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault. (For the purposes of this definition, "dog or wolf hybrid owner/keeper's premises" means the residence, including buildings and land and motor vehicles, belonging to the owner/keeper of the dog or wolf hybrid).

Deficit (Title 1, Ch. 5, Art. 2) is the appropriate overall maximum level of assistance for the household (see Section 5206.8) less the household income (calculated pursuant to Section 5206.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Designated Sex Offender (Title 1, Ch. 8, Art. 1) means a person convicted of Class A, B, or C sex offenses committed against persons who had not attained 14 years of age at the time of offense.

Development (Title 1, Ch. 4, Art. 1) means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Development (Title 1, Ch. 11, Art. 1) means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional Requirements (Title 1, Ch. 11, Art. 1) means numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability (Title 1, Ch. 11, Art. 1) means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disabled Person (Title 1, Ch. 5, Art. 2) refers to a person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Display (Title 1, Ch. 9, Art. 1) means that portion of the surface are of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

Disposal (Title 1, Ch. 10, Art. 2) means the discharge, deposit, spilling, leaking or placing of waste into or on land, air or water.

Dog (Title 1, Ch. 7, Art. 1) means both male and female canines.

Domestic Animal (Title 1, Ch. 7, Art. 1) means any animal whose physiology has been determined or manipulated through selective breeding, and which does not occur naturally in the wild, and which may be vaccinated against rabies with an approved rabies vaccine, and has an established rabies quarantine observation period.

Domestic Wastewater or Sewage (Title 1, Ch. 10, Art. 1) means the normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)

Driveway (Title 1, Ch. 11, Art. 1) means a vehicular access-way less than five hundred (500) feet in length serving two single- family dwellings or one two-family dwelling, or less.

Drug Paraphernalia (Title 1, Ch. 7, Art. 3) means all equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a scheduled drug in violation of this chapter or Title 22, section 2383.

Dwelling Unit (Title 1, Ch. 2, Art. 1) refers to "any part of a structure which, through sale or lease is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units and apartments," as defined in Chapter 5, 19-100, Department of Economic and Community Development. Also further defined in International Residential Code, Chapter 11, section N1101.6. "a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit (Title 1, Ch. 5, Art. 2) means a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income (Title 1, Ch. 5, Art. 2) refers to wages or income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Easement (Title 1, Ch. 10, Art. 1) means an acquired legal right for the specific use of land owned by others.

Elevated Building (Title 1, Ch. 4, Art. 1) means a non-basement building

a. built, in the case of a building in Zones Al-30, AE, A, AO, or AH, to have the top of the elevated floor, or in the case of a building in Zones Vl-30, or VE, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones Al-30, AE, A, AO, or AH, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V I-30, or VE, Elevated Building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.L.2.c.(3).

Elevation Certificate (Title 1, Ch. 4, Art. 1) is an official form (FEMA Form 81-31, 05/93, as amended) that

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

Eligible Person (Title 1, Ch. 5, Art. 2) means a person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible

Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See "Pursuing a Lawful Process," below)

Emergency (Title 1, Ch. 5, Art. 1) means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

Emergency (Title 1, Ch. 5, Art. 2) means any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. §§ 4301(4), 4308(2), 4310).

Emergency Operations (Title 1, Ch. 11, Art. 1) means operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Environmental Protection Agency or EPA (Title 1, Ch. 10, Art. 1) refers to the United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.

Essential Services (Title 1, Ch. 11, Art. 1) means gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines: municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Existing Source (Title 1, Ch. 10, Art. 1) means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Exotic Animal (Title 1, Ch. 7, Art. 1) means any non-domesticated animal, other than livestock, that is native to a foreign country or of foreign origin or character, or was introduced from abroad. This term will specifically include, but not be limited to, animals such as lions, tigers, jackals,

dingoes, leopards, elephants, pandas, camels, antelope, anteaters, kangaroos, chimpanzees, gorillas, orangutans, water buffalo, and species of foreign livestock requiring state and federal permits.

Expansion of a Structure (Title 1, Ch. 11, Art. 1) means an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of Use (Title 1, Ch. 11, Art. 1) means the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Facility (Title 1, Ch. 7, Art. 3) means a building or area within a building, which is permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons or property.

Family (Title 1, Ch. 11, Art. 1) means one or more persons occupying a premises and living as a single housekeeping unit.

Floatable Oil (Title 1, Ch. 10, Art. 1) means 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 floatable oil, if it is properly pretreated and the wastewater does not interfere with the collection system.

Flood or Flooding (Title 1, Ch. 4, Art. 1) means:

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

Flood Elevation Study (Title 1, Ch. 4, Art. 1) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) (Title 1, Ch. 4, Art. 1) means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain or Flood-prone Area (Title 1, Ch. 4, Art. 1) means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management (Title 1, Ch. 4, Art. 1) means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations (Title 1, Ch. 4, Art. 1) means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (Title 1, Ch. 4, Art. 1) means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway (Title 1, Ch. 4, Art. 1) see ***Regulatory Floodway***.

Floodway (Title 1, Ch. 11, Art. 1) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floodway Encroachment Lines (Title 1, Ch. 4, Art. 1) mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Floor Area (Title 1, Ch. 11, Art. 1) means the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint (Title 1, Ch. 11, Art. 1) means the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Force Main (Title 1, Ch. 10, Art. 1) means a line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

Forested Wetland (Title 1, Ch. 11, Art. 1) means a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation (Title 1, Ch. 11, Art. 1) means the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Fowl (Title 1, Ch. 7, Art. 1) means a bird of any kind, including, but not limited to, chickens, ducks, geese, guineas, pigeons, ostriches, emus, rheas, turkeys and pheasants.

Freeboard (Title 1, Ch. 4, Art. 1) means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Freshwater Wetland (Title 1, Ch. 11, Art. 1) means freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

(1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

(2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Functionally Dependent Use (Title 1, Ch. 4, Art. 1) means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Functionally Water-Dependent Uses (Title 1, Ch. 11, Art. 1) means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-home transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Garbage (Title 1, Ch. 10, Art. 1) means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

General Assistance ("GA") Program (Title 1, Ch. 5, Art. 2) is a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing

"grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance ("GA") Benefits (Title 1, Ch. 5, Art. 2) means benefits provided to a person through the GA program.

General Assistance ("GA") Administrator (Title 1, Ch. 5, Art. 2) means a municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Grab Sample (Title 1, Ch. 10, Art. 1) means a sample that is taken from a waste stream, without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Grease (Title 1, Ch. 10, Art. 1) means the material removed from a grease interceptor (trap) serving a restaurant or other facility which requires such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

Great Pond (Title 1, Ch. 11, Art. 1) means any inland body of water which in a natural state has a surface area in excess often acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great Pond Classified GPA (Title 1, Ch. 11, Art. 1) means any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground Cover (Title 1, Ch. 11, Art. 1) means small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Grounds (Title 1, Ch. 2, Art. 1) are the part of a property not covered by permanent structures.

Guardian (Title 1, Ch. 5, Art. 1) means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under M.R.S.A. Title 18-A, Secs 5-104.

Hauler (Title 1, Ch. 10, Art. 1) means those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the Maine DEP.

Hazard Tree (Title 1, Ch. 11, Art. 1) means a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions

at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Hazardous Waste (Title 1, Ch. 10, Art. 2) means any material or substance which, by reason of its compositions or characteristics, is defined as toxic or hazardous under the applicable laws, and any other material or substance which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous or otherwise ineligible for transfer through or disposal from a licensed transfer station or licensed disposal facility, including but not limited to asbestos, chemicals, oil, special waste, etc.

Height of a Structure (Title 1, Ch. 11, Art. 1) means the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Historic Structure (Title 1, Ch. 4, Art. 1) means any structure that is:

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

Home Occupation (Title 1, Ch. 11, Art. 1) means an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Homelessness (Title 1, Ch. 5, Art. 2) means a situation in which a person or household is:

a) living in a place that is not fit for human habitation;
b) living in an emergency shelter;
c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility;
d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility;
e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence;
f) fleeing or attempting to flee violence and has no other residence.

Household (Title 1, Ch. 5, Art. 2) means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit; eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Human Excrement and Other Putrescible Material (Title 1, Ch. 10, Art. 1) means the liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined by Maine DEP SWMR Chapter 400).

Immediate Effective Control (Title 1, Ch. 7, Art. 1) means the confinement of an animal to the premises of its owner by a fence of sufficient strength and height to prevent an animal from escaping there from; or contained inside a house or other enclosure; or secured on the premises by a leash of sufficient strength to prevent the animal from escaping from said premises and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall also be considered under the immediate effective control when used to assist a physically challenged person or when the animal is under the immediate control of a person by means of a cage, leash, or effective restraint to control said animal. The term “effective restraint” as used herein shall include, but not be limited to, training employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

Income (Title 1, Ch. 5, Art. 2) means any form of earned or unearned income in cash or in kind received by the household including:

<table>
<tr><td>Net remuneration for services performed</td><td>Unemployment benefits</td><td>Rental income</td></tr>
<tr><td>Workers' compensation payments</td><td>Federal and/or state tax returns</td><td>Student loans</td></tr>
<tr><td>Cash received on either secured or unsecured credit</td><td>Income from pension or trust funds</td><td rowspan="4">Benefits under any state or federal categorical assistance program such as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation)</td></tr>
<tr><td>Veterans' pensions and/or pensions</td><td>Court ordered support payments (e.g., child support)</td></tr>
<tr><td>Retirement accounts or benefits</td><td rowspan="2">Household income from any other source, including relatives or unrelated household members</td></tr>
<tr><td>Payments received as an annuity, retirement, or disability benefits</td></tr>
</table>

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:
    - Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
    - Li-Heap (42 U.S.C. § 8624)
    - Family Development Accounts (22 M.R.S. § 3762)
    - AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
    - Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
    - ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Incompatible Pollutant (Title 1, Ch. 10, Art. 1) means any pollutant that is not a compatible pollutant.

Increase in Nonconformity of a Structure (Title 1, Ch. 11, Art. 1) means any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Indirect Discharge or Discharge (Title 1, Ch. 10, Art. 1) means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Individual Private Campsite (Title 1, Ch. 11, Art. 1) means an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial (Title 1, Ch. 11, Art. 1) refers to the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Industrial Discharge Permit (Title 1, Ch. 10, Art. 1) means the written permit between the Town and an Industrial User that outlines the conditions under which the wastewater discharge to the POTW will be accepted.

Industrial User (Title 1, Ch. 10, Art. 1) means a person who discharges industrial wastewater to the POTW of the Town.

Industrial Wastes or Non-Domestic Wastewater (Title 1, Ch. 10, Art. 1) means the wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.

Infestation (Title 1, Ch. 2, Art. 1) means the presence of an unusually large number of insects, rats, vermin or animals in a place, typically so as to cause damage or disease.

Initial Applicant (Title 1, Ch. 5, Art. 2) means a person who has not previously applied for GA assistance in this or any other municipality.

Inoperable (Title 1, Ch. 2, Art. 1) means not able to be operated; unworkable.

Inoperable/Unserviceable Motor Vehicle (Title 1, Ch. 2, Art. 1) means a vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. For the purposes of this Ordinance, the Town will rely on a Maine Supreme Court decision (Town of Pownal v. Emerson, 639 A.2d 619 (Me. 1994); Town of Mt. Desert v. Smith, 2000ME 88, 751 A.2.d. 445) which includes the following: "unserviceable means not ready for use or presently usable" as opposed to "incapable or being serviced."

Instantaneous Discharge Limit (Title 1, Ch. 10, Art. 1) is the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Institutional (Title 1, Ch. 11, Art. 1) means a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Interference (Title 1, Ch. 10, Art. 1) means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW , its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CPR Part 503 Standards for Sewage Sludge Use and Disposal.

Junk (Title 1, Ch. 2, Art. 1) refers to dilapidated or discarded material or objects as determined by the CEO.

Just Cause (title 1, Ch. 5, Art. 2) means a valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S § 4301(8), 4316-A(5)).

Law Enforcement Officer (Title 1, Ch.7, Art. 1) is any person who by virtue of his/her public employment is vested by law with a duty to maintain public order, enforce any law of this state or municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes, or is limited to specific crimes.

Livestock (Title 1, Ch. 7, Art. 1) shall mean, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, swine, llama, oxen, alpaca, or bison.

Local Limits (Title 1, Ch. 10, Art. 1) are specific numerical discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CPR 403.5(a)(l) and (b). These limits are distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.

Locally Established Datum (Title 1, Ch. 4, Art. 1) means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lot Area (Title 1, Ch. 11, Art. 1) means the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lowest Floor (Title 1, Ch. 4, Art. 1) means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Section 4106 of this Municipal Code of Ordinances.

Lump Sum Payment (Title 1, Ch. 5, Art. 2) means a one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Maine Pollutant Discharge Elimination System Permit or MEPDES Permit (Title 1, Ch. 10, Art. 1) is a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Manufactured Home (Title 1, Ch. 4, Art. 1) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision (Title 1, Ch. 4, Art. 1) means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina (Title 1, Ch. 11, Art. 1) means a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market Value (Title 1, Ch. 11, Art. 1) means the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Material Fact (Title 1, Ch. 5, Art. 2) is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance (Title 1, Ch. 5, Art. 2) means the amount of financial assistance for a commodity or service as established in Section 5206.8 or the actual cost of any such basic necessity, whichever is less.

May (Title 1, Ch. 10, Art. 1) means permissive (see ***Shall***).

Medical Waste (Title 1, Ch. 10, Art. 1) refers to isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

Message (Title 1, Ch. 9, Art. 1) means a communication conveyed by means of a visual display of text.

Mean Sea Level (Title 1, Ch. 4, Art. 1) means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Mineral Exploration (Title 1, Ch. 11, Art. 1) means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction (Title 1, Ch. 11, Art. 1) means any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum Lot Width (Title 1, Ch. 11, Art. 1) means the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Minor (Title 1, Ch. 5, Art. 1) means any person who is seventeen years of age or younger.

Minor Development (Title 1, Ch. 4, Art. 1) means all development that is not new construction or a substantial improvement, such as repairs, maintenance, or renovations, whose value is less than 50% of the market value of the structure. It includes, but is not limited to: mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, towers, fencing, and pipelines.

Misconduct (Title 1, Ch. 5, Art. 2) shall have the same meaning as "misconduct" in 26 M.R.S. § 1043(23) for purposes of the GA work requirement (22 M.R.S. § 4316-A). Generally, misconduct occurs when an employee violates his or her obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment. of the employer's interest may also be found guilty of misconduct.

Misspent Income (Title 1, Ch. 5, Art. 2) includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Mobile Exchange (Title 1, Ch. 7, Art. 3) refers to Needle and Syringe programs conducted through a variety of delivery methods to include but not limited to: Mobile Vans, cars, motorcycles or mopeds, and backpacked pedestrians. The delivery of program services in any way except in a fixed facility.

Monthly Average (Title 1, Ch. 10, Art. 1) is the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit (Title 1, Ch. 10, Art. 1) is the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Mortgagee (Title 1, Ch. 2, Art. 1) means the bank or lending institution providing the funds to purchase a home or refinance. An entity that fonds money to a borrower for the purpose of purchasing real estate.

Mortgage Holder (Title 1, Ch. 2, Art. 1) is the owner of an indebtedness or of an interest in the indebtedness that is secured by the mortgage; the holder of any mortgage.

Motor Vehicle (Title 1, Ch. 2, Art. 1) is defined in Title 29-A, section 101, subsection 42.

MUBEC (Title 1, Ch. 2, Art. 1) refers to the Maine Uniform Building and Energy Code.

Multi-Unit Residential (Title 1, Ch. 11, Art. 1) means a residential structure containing three (3) or more residential dwelling units.

Municipal Solid Waste (Title 1, Ch. 10, Art. 2) shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap metal, junk, refuse, inert fill material and landscape refuse, front end process residue from the processing of municipal solid waste, but shall not include septage tank sludge nor agricultural or hazardous wastes.

Municipality (Title 1, Ch. 5, Art. 2) means any city, town or plantation administering a GA program.

Municipality of Responsibility (Title 1, Ch. 5, Art. 2) is the municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. §§ 4301(9), 4307).

Native (Title 1, Ch. 11, Art. 1) means indigenous to the local forests.

Natural Outlet (Title 1, Ch. 10, Art. 1) means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.

Need (Title 1, Ch. 5, Art. 2) means the condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S. §§ 4301(10), 4308).

Needle Disposal Container (Title 1, Ch. 7, Art. 3) means any rigid puncture-resistant container used for the collection of discarded needles or other sharps.

Needle Exchange Program **(NEP)** (Title 1, Ch. 7, Art. 3) means a sterile needle and Needle exchange program authorized by the Maine CDC that meet the requirements established by state law Title 22 M.R.S.A. Ch 252 –A, &1341.

Net General Assistance Costs (Title 1, Ch. 5, Art. 2) means those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. §§ 4301(11), 4311).

New Construction (Title 1, Ch. 4, Art 1) means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New Source (Title 1, Ch. 10, Art. 1) refers to

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    c. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

(2) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    a. Begun, or caused to begin, as part of a continuous on-site construction program
        i. Any placement, assembly, or installation of facilities or equipment; or
        ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
        iii. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its ·operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and

design studies do not constitute a contractual obligation under this paragraph.

(3) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

Non-Acceptable Waste (Title 1, Ch. 10, Art. 2) means any of the following: (i) hazardous waste; (ii) special waste; (iii) septic tank waste; (iv) liquid wastes or sludge; (v) water treatment residues; (vi) waste oil, propane tanks, and other flammable materials; (vii) metal industrial wastes or metal objects other than those commonly found and associated with ordinary household waste; (viii) abandoned or junk vehicles; (ix) dead animals or portions thereof, or any other pathological wastes; and (x) waste which may reasonably be expected to cause jam-ups, slowdowns, stoppages, failures or damage to the transfer station or a licensed disposal facility.

Non-Conforming Condition (Title 1, Ch. 11, Art. 1) means non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-Conforming Lot (Title 1, Ch. 11, Art. 1) means a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-Conforming Structure (Title 1, Ch. 11, Art. 1) means a structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use (Title 1, Ch. 11, Art. 1) means use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Contact Cooling Water (Title 1, Ch. 10, Art. 1) is water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

Non-Native Invasive Species of Vegetation (Title 1, Ch. 11, Art. 1) are species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal Domestic Wastewater (Title 1, Ch. 10, Art. 1) means wastewater generated by residential users containing not more than 250 mg/I BOD and not more than 325 mg/I suspended solids.

Normal High-Water Line (Non-Tidal Waters) (Title 1, Ch. 11, Art. 1) means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nuisance Condition (Title 1, Ch. 2, Art. 1) is defined by 17 M.R.S.A. §2802.

Occupancy (Title 1, Ch. 2, Art. 1) is the purpose for which a building or portion thereof is utilized or occupied.

Occupant (Title 1, Ch. 2, Art. 1) means an individual living or sleeping in a building, or having possession of a space within a building.

Operator (Title 1, Ch. 7, Art. 3) is the contracted provider of the Needle Exchange Program.

Outlet Stream (Title 1, Ch. 11, Art. 1) means any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Owner (Title 1, Ch. 2, Art. 1) means any *person* having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property.

Owner (Title 1, Ch. 7, Art. 1) means any person/s, partnership, firm, corporation or association that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for 24 hours or more shall presumed to be the owner of such animal for the purposes of this ordinance. Shall also be intended to mean and include, when used in this ordinance, the parent or parents or guardian of a minor who owns, keeps or has in their possession an animal.

Parent (Title 1, Ch. 5, Art.1) means a person who is the natural parent, adoptive parent, or step-parent of the minor.

Pass Through (Title 1, Ch. 10, Art. 1) refers to a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or

discharges from other sources, is a cause of a violation of any requirement of the Town's MPDES permit, including an increase in the magnitude or duration of a violation.

Period of Eligibility (Title 1, Ch. 5, Art. 2) means the time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Person (Title 1, Ch. 10, Art. 1) is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

Person (Title 1, Ch. 11, Art. 1) means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Pet (Title 1, Ch. 7, Art. 1) means any animal which may be legally owned in accordance with the provisions of this ordinance, normally kept for pleasure rather than utility, excluding livestock, is in the owner's possession and for which it can be reasonable demonstrated that the care of said pet is the responsibility of a given individual/s.

pH (Title 1, Ch. 10, Art. 1) is a logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

Piers, Docks, Wharves, Bridges and Other Structures (Title 1, Ch. 11, Art. 1) and uses extending over or beyond the normal high-water line or within a wetland.

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

Pollutant (Title 1, Ch. 10, Art. 1) refers to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution Prevention (Title 1, Ch. 10, Art. 1) means the use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release into the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect

natural resources and human health through conservation, more efficient use, or effective release minimization.

Pooling of Income (Title 1, Ch. 5, Art. 2) means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources (Title 1, Ch. 5, Art. 2) refers to sources of financial assistance, including programs, services, non- liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pretreatment (Title 1, Ch. 10, Art. 1) means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements (Title 1, Ch. 10, Art. 1) refers to any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards (Title 1, Ch. 10, Art. 1) mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Principal Structure (Title 1, Ch. 11, Art. 1) means a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal Use (Title 1, Ch. 11, Art. 1) means a use other than one which is wholly incidental or accessory to another use on the same lot.

Prohibited Discharge Standards or Prohibited Discharges (Title 1, Ch. 10, Art. 1) are absolute prohibitions against the discharge of certain substances. as identified in Section 2.3 of this Ordinance.

Properly Shredded Garbage (Title 1, Ch. 10, Art. 1) are wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 112 inch in any dimension.

Property Owner (Title 1, Ch. 8, Art. 1) means the person owning real estate affected by this ordinance as shown by the current tax maps on file in the office of the Town Assessor or the records at the Somerset County Registry of Deeds.

Public Facility (Title 1, Ch. 11, Art. 1) means any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Park or Playground (Title 1, Ch. 7, Art. 1) means any town-owned or operated public park, playground or school ground.

Public Place (Title 1, Ch. 5, Art. 1) means a place located in the Town of Hartland to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters.

Public Nuisance (Title 1, Ch. 7, Art. 1) means the following:

(1) An owner's failure to control, restrain or otherwise allow, either by conduct of condition, any animal to:
    a. Engage in conduct which establishes such an animal as a "dangerous animal"; or
    b. Be at-large; or
    c. Cause a disturbance by excessive barking or noise-making near the private residence or business of another or of any government or public facility; or
    d. Produces maggots, flies, odors, or unclean conditions sufficient to annoy or endanger adjacent property owners, residents or other individuals who may be reasonably exposed to such conditions; or
    e. Chase vehicles or molests, attacks or interferes with other persons and animals on public or private property.
(2) Any animal normally found in the wild that has entered onto any public or private property and by its presence is a threat to public health and safety or is generally interrupting the tranquility of the location.

Public Sewer (Title 1, Ch. 10, Art. 1) refers to a pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

Publicly Owned Treatment Works or POTW (Title 1, Ch. 10, Art. 1) means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and

other conveyances only if these structures convey wastewater to a wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the PQTW from persons outside the Town who are, by contract or agreement with the Town, Users of the Town's POTW.

Pursuing a Lawful Process to Apply for Immigration Relief (Title 1, Ch. 5, Art. 2) means taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Quarantine (Title 1, Ch. 7, Art. 1) is the term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies

Rabies (Title 1, Ch. 7, Art. 1) is a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.

Real Estate (Title 1, Ch. 5, Art. 2) means any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recent Floodplain Soils (Title 1, Ch. 11, Art. 1) refers to the following soil series as described and identified by the National Cooperative Soil Survey:

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

Recipient (Title 1, Ch. 5, Art. 2) is a person who has applied for and is currently receiving GA.

Recovery Residence (Title 1, Ch. 5, Art. 2) means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Recreational Facility (Title 1, Ch. 11, Art. 1) means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle (Title 1, Ch. 2, Art. 1) often abbreviated as RV, is a motor vehicle or trailer that includes living quarters designed for accommodation. Types of RVs include

motorhomes, campervans, coaches, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers.

Recreational Vehicle or "RV" (Title 1, Ch. 10, Art. 1) refers to a mobile vehicle or trailer used for temporary living, e.g. a camper or wholly self-contained transport and living unit.

Recreational Vehicle (Title 1, Ch. 11, Art. 1) means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Registered Domestic Partner (Title 1, Ch. 5, Art. 2) means an individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Regulatory Floodway (Title 1, Ch. 4, Art. 1) means

a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
b. in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.

Rehabilitation Facility (Title 1, Ch. 5, Art. 2) mean an inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Remain (Title 1, Ch. 5, Art. 1) means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

Repeat Applicants (Title 1, Ch. 5, Art. 2) means all applicants for GA benefits that are not initial applicants. For purposes of this ordinance "repeat" and "subsequent" shall have the same meaning.

Replacement System (Title 1, Ch. 11, Art. 1) means a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residence (Title 1, Ch. 8, Art. 1) means the temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing, or dwelling.

Resident (Title 1, Ch. 5, Art. 2) means a person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality. (22 M.R.S. § 4307).

Residential Dwelling Unit (Title 1, Ch. 11, Art. 1) means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residential Structure (Title 1, Ch. 2, Art. 1) is any structure which is designed or constructed or intended for people to live in. Commonly also referred to as a "home."

Resources (Title 1, Ch. 5, Art. 2) include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: "available" and "potential". Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps; fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

Restraint (Title 1, Ch. 7, Art. 1) means to control an animal by physical means, such as a cage, leash, rope or confinement within an enclosed space or by training or employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

Restricted Property (Title 1, Ch. 8, Art. 1) means the real property comprising a public or private elementary, middle, or secondary school; the real property comprising a municipally owned or state-owned park, athletic field, or recreational facility that is open to the public where children are the primary users; and the real property comprising a municipally owned or state-owned property leased to a nonprofit organization for purposes of a park, athletic field, or recreational facility that is open to the public where children are the primary users. See Chapter 8, Article 1, Section 8105.

Riprap (Title 1, Ch. 11, Art. 1) means rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River (Title 1, Ch. 11, Art. 1) means a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.
NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Riverine (Title 1, Ch. 4, Art. 1) means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road (Title 1, Ch. 11, Art. 1) means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Safe or Supervised Injection Site (Title 1, Ch. 7, Art. 3) are medically supervised facilities designed to provide a hygienic environment in which drug addicts are able to consume illicit recreational drugs intravenously.

Sanitary Sewer (Title 1, Ch. 10, Art. 1) refers to a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sapling (Title 1, Ch. 11, Art. 1) means a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Screening Level (Title 1, Ch. 10, Art. 1) means that concentration of a pollutant that, under baseline conditions, would cause a threat to personnel exposed to the pollutant, or would adversely impact the structures of the POTW. To be administered as Local Limits applicable to a particular

discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

Secure (Title 1, Ch. 10, Art. 2) with respect to transporting waste means containing said material in such a fashion as to prevent any of said material escaping from the vehicle during any stage of transporting said waste from initial location to the disposal site.

Seedling (Title 1, Ch. 11, Art. 1) means a young tree species that is less than four and one half (4.5) feet in height above ground level.

Semi-Public Use (Title 1, Ch. 10, Art. 1) means premises of private, non-profit organizations such as schools, hospitals, and religious institutions.

Septage or Septic Tank Waste (Title 1, Ch. 10, Art. 1) refers to any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, cesspools or other holding tanks, that have received only domestic wastewater.

Septage Tank Truck (Title 1, Ch. 10, Art. 1) refers to any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.

Service Dog (Title 1, Ch. 7, Art. 1) means a dog trained to assist a physically challenged person.

Service Drop (Title 1, Ch. 11, Art. 1) means any utility line extension which does not cross or run beneath any portion of a water body provided that:

(1) in the case of electric service
    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
    b. the total length of the extension is less than one thousand (1,000) feet.
(2) in the case of telephone service
    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback (Title 1, Ch. 8, Art. 1) means a 750-radius surrounding the “Restricted Property.”

Setback (Title 1, Ch. 11, Art. 1) means the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Sewage (Title 1, Ch. 10, Art. 1) refers to human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer (Title 1, Ch. 10, Art. 1) refers to a pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.

Shall (Title 1, Ch. 10, Art. 1) means mandatory (see ***May***).

Shore Frontage (Title 1, Ch. 11, Art. 1) means the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone (Title 1, Ch. 2, Art. 1) means the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland, or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreland Zone (Title 1, Ch. 11, Art. 1) means the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline (Title 1, Ch. 11, Art. 1) means the normal high-water line, or upland edge of a freshwater wetland.

Significant Industrial User (SIU) (Title 1, Ch. 10, Art. 1) refers to, except as provided in paragraphs 3 and 4 of this definition:

(1) An Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or

(2) An Industrial User that:
    a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    b. contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    c. Is designated as such by the Town of Hartland on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

(3) Upon a finding that a User meeting the criteria in Subsection 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the Town may at any time, on its own initiative

or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(t)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance or SNC (Title 1, Ch. 10, Art. 1) refers to if an Industrial User's violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter· taken during a 6-month period exceed (by any magnitude) a numeric. Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 10102;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 10102 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) For pH monitoring, excursions shall be considered SNC when:

a. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or

b. An individual excursion from the range of pH values exceeds 60 minutes; or

c. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or

d. Any pH less than or equal to 2.0 or greater than or equal to 12.5.

(4) Any other discharge violation (including but not limited to Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town, or its designee believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(5) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Town's, or its designee 's exercise of its emergency authority to halt or prevent such a discharge;

(6) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or Enforcement Order for starting construction, completing construction, or attaining final compliance;

(7) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, Industrial Discharge Permit applications, reports on compliance with categorical Pretreatment Standard deadlines periodic self-monitoring reports, and reports on compliance with compliance schedules;

(8) Failure to accurately report noncompliance; or

(9) Any other violation(s), which may include a violation of Best Management Practices, which the Town, or its designee determines will adversely affect the operation or implementation of the local pretreatment program.

Significant River Segments (Title 1, Ch. 11, Art. 1) are listed in Section 11117 or 38 M.R.S.A section 437.

Slug Load or Slug Discharge (Title 1, Ch. 10, Art. 1) means:

(1) Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions
(2) Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 10102.3 of this Ordinance; or
(3) Any discharge that may adversely affect the collection system and/or performance of the POTW.

Solid Waste Facility (Title 1, Ch. 10, Art. 2) means the Town of Hartland licensed transfer station which has all applicable State permits, licenses, and approvals necessary to accept the municipal solid waste for temporary holding and processing pending transportation to a licensed disposal facility.

Source Reduction (Title 1, Ch. 10, Art. 1) refers to any practice that:

(1) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
(2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

Standard Industrial Classification (SIC) Code (Title 1, Ch. 10, Art. 1) is a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Start of Construction (Title 1, Ch. 4, Art. 1) means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the beyond the stage of excavation; or the placement of' a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State (Title 1, Ch. 10, Art. 1) refers to The State of Maine.

Storm-Damaged Tree (Title 1, Ch. 11, Art. 1) a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Storm Drain or Storm Sewer (Title 1, Ch. 10, Art. 1) means a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

Storm Water (Title 1, Ch. 10, Art. 1) means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Stray (Title 1, Ch. 7, Art. 1) means off the owner’s premises and not under the control of a person.

Stream (Title 1, Ch. 11, Art. 1) means a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure (Title 1, Ch. 2, Art. 1) means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers, and floats. It does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9. Anything built or constructed and permanently affixed or unaffixed such as buildings on skids, wheels or container type shipping units on a property that cannot be considered grounds or landscaping.

Structure (Title 1, Ch. 4, Art. 1) means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Structure (Title 1, Ch. 11, Art. 1) means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial Damage (Title 1, Ch. 4, Art. 1) means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement (Title 1, Ch. 4, Art. 1) means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Substantial Start (Title 1, Ch. 11, Art. 1) means completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System (Title 1, Ch. 11, Art. 1) means any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Suspended Solids or Total Suspended Solids (Title 1, Ch. 10, Art. 1) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

Sustained Slope (Title 1, Ch. 11, Art. 1) means a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tenant (Title 1, Ch. 2, Art. 1) means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

The Town or its Designee (Title 1, Ch. 10, Art. 1) refers to the person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

Third-Party Inspector (Title 1, Ch. 2, Art. 1) means a person certified by the Office of State Fire Marshal to conduct inspections under 30-A M.R.S. §4451, for compliance with MUBEC.

Timber Harvesting (Title 1, Ch. 11, Art. 1) is the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 11115.16, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tiny Home (Title 1, Ch. 2, Art. 1) (29-A MRSA §101, sub §80-C) means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

a. Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles.
b. Does not exceed 400 square feet in size.
c. Does not exceed any dimension allowed for operation on a public way under this Title; and
d. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Town (Title 1, Ch. 7, Art. 3) is the Town of Hartland, Maine.

Town (Title 1, Ch. 10, Art. 2) means the Town of Hartland.

Treatment Plant or Treatment Facility (Title 1, Ch. 10, Art. 1) refers to any device or system used in the storage, treatment, equalization, recycling or reclamation of municipal wastewater, industrial wastewater and/or wastewater sludges as defined herein.

Tree (Title 1, Ch. 11, Art. 1) means a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary Stream (Title 1, Ch. 11, Art. 1) means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.
This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.
NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Unearned Income (Title 1, Ch. 5, Art. 2) is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants (Title 1, Ch. 5, Art. 2) is a repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need (Title 1, Ch. 5, Art. 2) is the household's 30-day need (established by Section 5206.6) less the household income (calculated pursuant to Section 5206.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Unpolluted Water (Title 1, Ch. 10, Art. 1) refers to water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

Upland Edge of a Wetland (Title 1, Ch. 11, Art. 1) mean the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the

growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

User or Industrial User (Title 1, Ch. 10, Art. 1) refers to a source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

Vaccination (Title 1, Ch. 7, Art. 1) means the inoculation of an animal with a rabies vaccine or other medicine that is licensed by the United States Department of Agriculture for use in that species, and which is administered by a licensed veterinarian for the purpose of immunizing the animal against rabies or other diseases.

Variance (Title 1, Ch. 4, Art. 1) means a grant of relief by a community from the terms of a floodplain management regulation.

Vegetation (Title 1, Ch. 11, Art. 1) means all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity Zone (Title 1, Ch. 11, Art. 1) means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Veterinary hospital (Title 1, Ch. 7, Art. 1) means any establishment that is maintained and operated by a licensed veterinarian for the diagnosis, treatment or surgery of injuries and diseases to animals.

Violation (Title 1, Ch. 4, Art. 1) means the failure of a structure or development to comply with a community's floodplain management regulations.

Volume of a Structure (Title 1, Ch. 11, Art. 1) means the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waste (Title 1, Ch. 10, Art. 2) includes hazardous waste, solid waste, special waste, sludge, and septage.

Wastewater (Title 1, Ch. 10, Art. 1) refers to liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Water Body (Title 1, Ch. 11, Art. 1) means any great pond, river or stream.

Water Crossing (Title 1, Ch. 11, Art. 1) means any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines,

sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Watercourse (Title 1, Ch. 10, Art. 1) means a natural or artificial channel for the passage of water either continuously or intermittently.

Wetland (Title 1, Ch. 11, Art. 1) means a freshwater wetland.

Wild animals (Title 1, Ch. 7, Art. 1) mean any animal not normally considered domesticated and which is now or historically has been found in the wild, or in the wild state, including but not limited to the following:

(1) Reptiles: venomous reptiles; any type of crocodile or alligator; or
(2) Fish: Piranha; or
(3) Birds: Condors, eagles, hawks, falcons, owls; or
(4) Mammals: Ocelots, lions, tigers, jaguars, leopards, cougars, wolves, dingoes, coyotes and coyote mixes, jackals, weasels, martens, minks, badgers, skunks, raccoons, pandas, bears, kangaroos, opossums, sloths, anteaters, armadillos, monkeys, chimpanzees, gorillas, orangutans, porcupines, antelope, deer, fox, elephant, lynx, squirrels, chipmunks; or
(5) Any species of animal illegal to own under federal, state or local law.

Wolf hybrid (Title 1, Ch. 7, Art. 1) means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. Wolf hybrid includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.

Woody Vegetation (Title 1, Ch. 11, Art. 1) means live trees or woody, non-herbaceous shrubs.

Work Requirements (Title 1, Ch. 5, Art. 2) are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

Article 25

This ordinance shall become effective when adopted by a majority of the Legislative Body.

Municipal Code of Ordinance for the Town of Hartland was adopted on May 3, 2025 at Town Meeting.

May 19, 2025

Selectman, Chair

05/19/2025

Selectman

Mark D. Brooks 5/19/2025

Selectman

Attested: Holly Bulan