

**Board of Selectmen**

Chuck Cunningham, Chairman  
Mike Tomacelli, Vice Chairman  
Steven C. Lewis  
Dale C. Harmon  
Russell Pinkham

**Town Manager**

Daniel Bryer



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, October 12<sup>th</sup>, 2022  
6:00 PM  
Agenda**

1. **Pledge of Allegiance**
2. **Public Hearing**
3. **Public Comment**
4. **Approve Minutes-** 1. September 14, 2022  
2. September 28, 2022
5. **Reports**
6. **Old Business**
7. **New Business –** 1. Administrative Code review
8. **Public Comment**
9. **Review Warrants**
10. **Adjourn Meeting**

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**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, September 14, 2022  
6:00 PM**

**MINUTES**

**Present:** Chuck Cunningham, Russell Pinkham, Steve Lewis, Mike Tomacelli, Dale Harmon and Town Manager, Dan Bryer Jr.

**Chuck called the meeting to order at 6:00**

**Pledge of Allegiance**

**Public Hearings:**

1. Fluoridation warrant article: Open for public comment on the topic of public water supply fluoridation. Stevie Hall and Anna Cristina, both from Boothbay Harbor stood and spoke about the safety concerns and side effects that are caused by adding Sodium Fluoride to the public water supply. Sodium Fluoride is a byproduct in the manufacturing of phosphate fertilizer. It has been found the topical use of fluoride (toothpaste with fluoride) is the most beneficial to teeth and that ingested fluoride causes many side effects. They both feel that people should have the choice to fluoridate how they see fit. With fluoride in the water it takes the choice away from the people. Lucian Laurie Jr. is in support of public water fluoridation and thinks everyone should do their research. It has served us well for a long time. It has been shown that for every dollar spent there is \$1.15 received back in health and dental costs, mostly in children. "If it ain't broke, don't fix it."

**Public Comment: None**

**Approve Minutes: May 25, 2022, August 10, 2022, August 24, 2022:**

May 25, 2022, Russ made a motion to approve the May 25, 2022 meeting minutes as written. Mike seconded the motion. Vote: 3-0 in favor by Chuck, Russ and Mike who were the members in attendance at this meeting.

August 10, 2022, Steve made a motion to approve the August 10, 2022 meeting minutes as written. Russ seconded the motion. Vote: 3-0 in favor by Chuck, Russ and Steve who were the members in attendance at this meeting.

August 24, 2022, Steve made a motion to approve the August 24, 2022 meeting minutes as written. Russ seconded the motion. Vote: 3-0 in favor by Chuck, Russ and Steve who were the members in attendance at this meeting.

**Reports:**

Dan - Clifford Park playground is open. It includes several ADA compliant pieces.

So far we have received 80 requests for absentee ballots and expect many more. We plan to start sending them out around October 5, 2022.

Public Works plans on starting paving on Hardwick and Pension Ridge roads the end of this month or the beginning of October.

Chuck asked if the sensory board is the only ADA compliant piece. Dan answered no, there are 3 pieces currently and he hopes to add an additional piece each year.

Steve asked if the parking lot will be paved and when will the fields be finished. Dan answered that the parking lot will remain dirt and they are hoping for October for the completion of the fields.

Dan is going to reach out to the school Athletic Director (Allan Crocker) to encourage him to use the new fields for future tournaments.

**Old Business: None**

**New Business:**

1. Stanley "Swing" Lewis retirement from the Cemetery District – The board discussed all that Swing has done for the community and thank him for his many years of service.  
Steve made a motion to regretfully accept the resignation for Stanley "Swing" Lewis from the Cemetery District. Dale seconded the motion. Vote: 5-0 in favor.  
Steve – what do we do with the open seat until May? Dan – will have to check the admin code and/or State law to see how to proceed with an elected position. Steve – if its allowed they should advertise to see who is interested in filling the seat and take it from there with a planned election to officially fill the seat in May.
2. American Rescue Plan Act (ARPA) funds request for housing – Boothbay Regional Development Corporation (BRDC), represented by Erin Cooperrider, Vice President and Treasurer, is at the meeting tonight asking for \$50,000 of the Town of Boothbay's ARPA Funds and a letter of support.  
Please see **EXHIBIT A**, a letter from the BRDC, introducing the non-profit and an overview of the project. During the meeting a PowerPoint presentation was shown and talked about the basics of which are laid out in **EXHIBIT A**. There is a conceptual site plan presented with a total of 162 units. This is a concept only but they wanted to show the hope of the project.  
After the presentation there were a number of questions from the board such as: Are there ways to prevent seasonal housing and short term rentals? Erin assures the board there are legal routes to eliminate these unwanted uses. Most of the units will be for sale with land leases which will allow for the control of the property uses.  
The board asked besides the ARPA funds and the letter of support, what else can we do to help this much needed project along?  
Erin says there are a number of grant programs that are available, but need to be applied for by the town and the town will pass the funds along to the project. Erin asked that the board give Dan the authority to work with them on these grants.  
Steve makes a motion to allow the \$50,000 in ARPA funds, the letter of support and the authority for Dan to work with them on additional grants. Russ seconded the motion. Vote: 5-0 in favor.  
Desiree Scorgia, Boothbay resident and audience member, asked if there was a way to get a list of other projects to see how they have gone and how they stand now. Erin pointed her to [chomhousing.org](http://chomhousing.org) for past and present projects.

**Public Comment: None**

**Review Warrants and Sign:**

Mike made a motion to review and sign warrants. Dale seconded the motion. Vote: 5-0 in favor

**Adjourn Meeting:**

Dale made a motion at 7:00 PM to adjourn the meeting. Mike seconded the motion. Vote: 5-0 in favor.

## EXHIBIT A

### Boothbay Regional Development Corporation

September 1, 2022

Dan Breyer, Town Manager  
Town of Boothbay  
7 Corey Lane  
Boothbay, ME 04537

Dear Dan:

The Boothbay Regional Development Corporation (BRDC) was formed to help tackle the housing crisis in the Boothbay region through the development of newly constructed homes. Adding to the available and affordable housing stock in the Boothbay region is the initial focus of the organization.

BRDC is governed by a Board of Directors who are year-round residents actively involved in real estate development, supportive housing, community organizations, and local government. All activities of the non-profit will be directed by the board and executed by qualified third-party professionals hired by the board.

BRDC has sought and found a site large enough to make a significant contribution to the local housing stock that is affordable and available to the local workforce. The 36-acre site on Butler Road in Boothbay was not previously for sale, and the owner strongly supports housing our workforce.

The concept plan for this site takes a phased approach to development of the parcel and was informed by a design development team selected by BRDC. Phase 1 includes land acquisition and extension of water and sewer to the site. Phase 2 is a proof of concept for affordable home ownership targeted to households between 80% and 100% of Area Median Income (household income between \$64,400 and \$80,700 for a family of four). It will create 8 for-sale homes with prices capped at \$287,000. Future phases may include multi-family apartment buildings, single-family homes, and condominiums. The goal is to create a range of housing choice, both for-sale and for-rent, and affordable to our workforce at a range of income levels.

To inform the concept plan, BRDC reached out to local employers to help determine both the magnitude of the housing need, and more specifically to identify the demographic that needs housing in order to determine which housing finance programs will be available to the effort. While the available data set is small, it is evenly divided across a broad range of household incomes, which informed the goal of providing a range of housing choice.

Seed capital of \$500,000 for Phase 1 of the project has been secured from private donors, and BRDC is seeking an additional \$2.1 million in private capital and \$800,000 in local and state funds for Phase 1 of the project.

Boothbay Regional Development Corporation, c/o NewHeight Group LLC,  
97A Exchange Street, Suite 204, Portland, ME 04101

## Boothbay Regional Development Corporation

Dan Breyer, Town Manager  
Town of Boothbay  
September 1, 2022  
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The second phase will require an additional \$540,000 in private capital and \$1.3 million in public funds, yielding a 40/60% split of public funds to private financing for the first two phases. The follow-on phases will be self-funding or use public financing sources exclusively.

BRDC is requesting \$50,000 from the Town of Boothbay's American Rescue Plan Act (ARPA) funds to support the extension of water and sewer infrastructure to the site. The total cost of this work is estimated at \$2.5 million. The requested ARPA funding from the town will evidence community support for the project, and will be leveraged to help raise the balance of necessary funds from a combination of private donations and public resources.

We would welcome the opportunity to present the full plan along with financial projections to the Board of Selectman, and we hope to be placed on the agenda for this important discussion as soon as possible.

Sincerely,



Erin Cooperider  
Vice President and Treasurer

Cc: Stephen Malcom, President BRDC  
Susan Witt, Secretary BRDC

**Board of Selectmen**

Chuck Cunningham - Chairman  
Michael Tomacelli – Vice Chairman  
Dale Harmon  
Steven Lewis  
Russell Pinkham

**Town Manager**

Daniel Bryer Jr.



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, September 28, 2022  
6:00 PM  
MINUTES**

**Present:** Chuck Cunningham, Russell Pinkham, Mike Tomacelli, Dale Harmon and Town Manager, Dan Bryer Jr.

**Chuck called the meeting to order at 6:00**

**Pledge of Allegiance**

**Public Hearings: None**

**Public Comment: None**

**Approve Minutes: None**

**Reports:**

Dan – Congratulations to Mike Alley, Boothbay Road Foreman. He took it upon himself to become a certified heavy equipment operators instructor.

**Old Business: None**

**New Business:**

1. General Assistance Guideline Updates effective October 1, 2022 – September 30, 2023  
Dale made a motion to approve the updated General Assistance guidelines for October 1, 2022 – September 30, 2023. Mike seconded the motion. Vote: 4-0 in favor.

**Public Comment:**

Dale Harmon visited Clifford Park and thinks it is an impressive playground. "Hats off to everyone involved."

**Review Warrants and Sign:**

Dale made a motion to review and sign warrants. Mike seconded the motion. Vote: 4-0 in favor

**Executive Session 1 M.R.S.A. §405(6)(E):**

Dale made a motion to go into executive session to review with the town lawyer the rights and duties of the board of selectman regarding the CSD Charter. Mike seconded the motion. Vote: 4-0 in favor.

**Adjourn Meeting:**

Mike made a motion at 7:00 PM to adjourn the meeting. Russ seconded the motion. Vote: 4-0 in favor.



## MEMORANDUM

TO: Daniel J. Bryer, Jr., Town Manager

FROM: Sally J. Daggett, Esq., Town Attorney

RE: Comments on Administrative Code of the Town of Boothbay

DATE: December 31, 2020

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We were asked to review the Administrative Code of the Town of Boothbay and identify provisions that might be out of date. Most comments relate to updated statutory references.

Specific comments:

**Sec. 3.1.6.** The reference to Chapter 156 of the 1939 Private and Special Laws regarding the Boothbay-Boothbay Harbor Cemetery District Board of Trustees should be changed to Chapter 49.

**Sec. 3.1.7 and Sec. 5.1.4.** Delete the “#” after the “§” in § 2602, § 1653 and § 2851.

**Sec. 3.2.6.** Note that 21-A M.R.S. § 503-A now allows residents who are 17 years of age and conditionally registered to vote pursuant to 21-A M.R.S. § 155 to serve as election clerks.

**Sec. 3.2.10.** The Health Officer now reports to the Maine Department of Health and Human Service (the Administrative Code refers to the Department of Human Services). The listed duties differ somewhat from the current version of the statute (22 M.R.S. § 454-A). If the Town wants to list the duties, they are set forth in § 454-A, as well as in 22 M.R.S. § 461.

**Sec. 3.2.11** states that when the Plumbing Inspector or an employer/employee had done the plumbing work at issue, the State Plumbing Inspector will act. Does the Town want to provide for someone else to do it? A lot of municipalities get backup for their CEOs from other municipalities. State statute, 30-A M.R.S. § 4222, includes the prohibition, but it does not state that a State inspector has to do the work. Section 3.2.11 should be



revised in the next to last sentence to delete the words “within 180 days of transfer of that property.” 30-A M.R.S. § 4216 requires the property owner to certify that the system has not failed within 180 days of the transfer, but the LPI’s duty is to determine whether the system is malfunctioning at the time of inspection, which is either supposed to happen prior to the transfer or within 9 months after the transfer. Also, the statute includes some exceptions to the certification requirement that are not reflected in the current language; not sure that these exceptions need to be included in the Administrative Code. This section of the Administrative Code also has a reference to DHS, which needs to be updated to DHHS.

**Sec. 3.2.13** sets forth qualifications for the Registrar of Voters. The prohibitions are accurate, except that 21-A M.R.S. § 101 also states that the Registrar may not be an employee of a party or candidate, be a treasurer for a candidate or be a municipal officer as defined in 30-A M.R.S. § 2001. The current language providing that the Registrar is appointed for a term of two years should be revised to reflect the language of the statute: “shall be appointed to serve for 2 years and until a successor is appointed and sworn.” Currently it says that the Registrar serves a term of two years without the “and until ...” language. Also, there is language in the statute that states that a registrar may not serve if the registrar or a member of the registrar’s immediate family becomes a candidate for federal, state, local or county office in the electoral division in which the registrar is appointed. This disqualification period runs from when the candidate either files a petition to be a candidate or is nominated to be a replacement candidate and it runs until the election. The registrar appoints a deputy to serve during that period.

**Sec. 4.3 (Tax Acquired Property)** needs to be updated to reflect the relatively recent change in law relating to elderly tax lien mortgage foreclosures. It does not refer to the requirements for the sale of homesteads formerly owned by persons 65 or older. The easiest way to do this would be to add a new Section 4.3.2.11 to state:

**4.3.2.11** Notwithstanding any provision of this Section 4.3 to the contrary, when a sale of tax-acquired property involves a homestead parcel whose prior owner(s) meet the requirements of 36 M.R.S. § 943-C, the Board of Selectmen shall follow the notice and sale requirements set forth in State law.

**Sec. 4.4.4** appears to have a typo in the 7<sup>th</sup> line: “his or her position with the Town, and is not a matter of public record **and** that term is defined...” The “and” should be changed to “as.”

**Sec. 4.6.2** needs to be revised to state that the General Assistance Ordinance shall be filed with the Department of Health and Human Services.



**Sec. 5.1.13.** The reference to 12 M.R.S.A. § 13068 should be changed to § 13068-A. The reference to 12 M.R.S.A. § 13106 should be changed to § 13106-A. The reference to 12 M.R.S.A. § 13157 should be changed to § 13157-A.

**Secs. 5.1.13.7.** Does the Town really want to have members of the Board of Seletmen issuing civil violation notices?

**Sec. 5.2.1.** The reference to 7 M.R.S.A. § 3952 should be changed to § 3952-A.

**Sec. 5.2.5.** This refers to the “Return Fee” as described in 7 M.R.S.A. § 3915. That section is the civil penalty section for uncontrolled dogs and it does not refer to a return fee. 7 M.R.S.A. § 3913(3)(C) refers to a “municipal impoundment fee,” so the Town can adopt such an impoundment fee, which is supposed to be paid before the animal shelter releases the stray dog, but the return fee language needs to be amended.

**Sec. 5.2.6.** This section regulates animal noise. It should include the exception for dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of the danger to the livestock, as that term is defined in 7 M.R.S.A. § 3907(18-A). (This requirement is set forth in 7 M.R.S.A. § 3950(1)).

**Sec. 5.2.8.** The statutory reference to the requirement for dog licenses should be changed from 7 M.R.S.A. § 3701 to § 3921.

**Sec. 5.2.9** refers to several provisions of State law that set forth penalties concerning dogs/animal control provisions. 7 M.R.S.A. § 3913 does not have a penalty provision. That is in § 3915. The reference to § 3952 should be changed to § 3952-A.

**Sec. 5.4.3.1.1** purports to adopt the “current edition of NFPA” rather than a specific version as is required by 30-A M.R.S.A. § 3003. There is a special procedure for adopting a code by reference if the Town does in fact want to adopt the most recent edition of the NFPA 101 Life Safety Code. The 2021 edition (released in late 2020) is the latest edition. The State of Maine, via the State Fire Marshal’s Office, has adopted NFPA 101 (2018 ed.) with some modifications (see attached), so this is currently the law statewide, unless a municipality opts to adopt a more recent version pursuant to the 30-A M.R.S.A. § 3003 procedures. (There is a penalty provision set forth in Sec. 5.4.3.1.2, which refers to 30-A M.R.S.A. § 4452; having a separate penalty provision is one of the requirements of adopting a code by reference.)

**Sec. 5.4.4.2.2(b).** This provision states that the Fire Department can require a system with two or more non-emergency calls (defined as calls made as a result of human error or system malfunction) within 48 hours to disconnect from the system until repairs are made. The City of Portland got sued over one of these provisions when it failed to follow up on a shut-off, and there was a fatal fire while the system was disconnected. There is a

penalty provision in subsection (a) of this section, and perhaps it makes sense to add the requirement of inspection and repair to that subsection, instead of having the disconnection language of subsection (b).

**Sec. 5.6.1.** Technically, this provision is void since it is not limited to the regulation of discharge of firearms in the Town, but since it doesn't create a penalty for violations of State law, it seems okay to leave it in. (Regulation of firearms is one of those areas of Maine law where there is State law preemption; the only thing a municipality may regulate is the discharge of firearms in the Town (*e.g.*, shotguns only.))

**Sec. 5.8.2.** This section refers to the littering provisions of Title 17. The reference to § 2264 should be revised to § 2264-A. That section of State law states that littering from a vehicle (which is the subject of Sec. 5.8.2) is also a traffic violation. However, the Town does not have the authority to enforce a traffic violation.

**Sec. 5.10.2.** Subsection (h) states that signs are not allowed on the Common or other Town Lands without the completion of an application and approval of the Town Manager, except as otherwise provided by law. If the Town is allowing signs on Town land, does it have any regulations that relate to the application and approval process? Are the regulations content-neutral as is required under the First Amendment and recent Supreme Court decisions? If the Town only allows signs for events occurring on the property, that may be permissible, but if the Town allows political or other signs on the property, the Town will need to allow other non-commercial signs. Sign regulation is a trap for the unwary so there may need to be some further discussion on this topic.

# Administrative Code of the Town of Boothbay



**Adopted May 2, 2005**  
**Amended May 1, 2006**  
**Amended May 7, 2007**  
**Amended May 5, 2008**  
**Amended May 2, 2011**  
**Amended May 7, 2012**

**Town of Boothbay Administrative Code  
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**5. Public Order**

- 5.1 Public Health & Safety Ordinance
  - 5.1.5 Licenses Generally
  - 5.1.6 Street Vendors and Street Goods Vendors
  - 5.1.7 Mobile Food Service Establishments
  - 5.1.8 Transient Sales
  - 5.1.9 Yard Sales
  - 5.1.10 Fireworks
  - 5.1.11 Obstruction of Public Ways
  - 5.1.12 Nudity
  - 5.1.13 Noise
- 5.2 Animal Control Ordinance
- 5.3 Public Streets and Traffic Ordinance
- 5.4 Emergency Services Ordinance
- 5.5 Addressing Ordinance
- 5.6 Firearms Ordinance
- 5.7 Public Works Ordinance
- 5.8 Solid Waste Ordinance
- 5.9 Utilities Ordinance
- 5.10 Use of Town Land Ordinance

**6. Cable Television Ordinance**

- 6.1 Purpose
- 6.2 Franchise Agreement Required
- 6.3 Application for Franchise Agreement
- 6.4 Issuance of Franchise Agreements
- 6.5 Establishment of New Multi-Channel Video and Cable Television Service
- 6.6 Installation of Service
- 6.7 Public Liability Insurance
- 6.8 Type and Scope of System
- 6.9 Hours of Operation
- 6.10 Non-Duplication of Programming
- 6.11 Annual Statement and Manager's Report to Selectmen
- 6.12 Free Service to the Town
- 6.13 Basic Service Tier Rates
- 6.14 Enforcement
- 6.15 Severability
- 6.16 Effective Date

**7. [reserved for future use]**

## **SECTION 1. INTRODUCTION**

### **1.1 Purpose**

These General Ordinances (Sections 1 through 7 of the Administrative Code) repeal and replace the Bylaws of the Town of Boothbay adopted March 6, 1950 and as amended.

### **1.2 Construction**

These General Ordinances shall be liberally construed so as to give them effect consistent with the ordinary and reasonable meaning of their provisions and with the provisions of any general or special laws then in effect adopted by the State of Maine. No provisions of these General Ordinances shall be construed to limit the powers and duties of Municipal Officers, Boards and Committees imposed upon them by applicable provisions of the general or special laws of the State of Maine or the Boothbay Town Manager Plan. Unless the wording or context clearly dictates a different result, the provisions of any General Ordinance so far as they are the same as provisions of an Ordinance or Bylaw heretofore in force, shall be construed as a continuation thereof and not as a change thereof.

### **1.3 Amendment and/or Repeal**

These General Ordinances shall not be construed to repeal any other existing Bylaws or Ordinances; provided, however, that where a provision of these General Ordinances conflict with or is inconsistent with another provision of these General Ordinances or any other ordinance, regulation or statute, the more restrictive provision shall control.

These General Ordinances may be amended or repealed at any Annual or Special Town Meeting by a majority vote of those present and voting at said Meeting, provided that an Article or Articles for that purpose shall have been inserted in the Warrant for said Meeting. The amendment or repeal of any General Ordinance shall not affect any act done, nor any right accrued or established, nor any action, suit or proceeding commenced or had in a civil case, nor affect any punishment, penalty or forfeiture incurred under such General Ordinance.

### **1.4 Enforcement**

Any person who violates any provision of these General Ordinances shall be punished by fines as specified in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time.

### **1.5 Severability**

In the event any section, subsection or provision of any of these General Ordinances shall be held to be unconstitutional or invalid, such invalidity shall not affect the validity or constitutionality of any other section, subsection or provision.

at Town Meetings. No business may be acted upon at Town Meetings unless specifically included in the warrant.

**2.6 ELECTIONS:** At the Annual Town Meeting, elections by secret ballot shall be held for the offices of Moderator, Selectmen, Members of the Boothbay-Boothbay Harbor Community School District School Committee and Board of Trustees, Trustees of the Boothbay Region Water District, and Trustees of the Boothbay Region Cemetery District. A candidate for elected Town office must be a citizen of the United States, at least eighteen (18) years of age, and must be registered to vote in the Town.

Two (2) positions on the Board of Selectmen shall be up for election each year, with the exception that every three (3) years only one (1) position shall be up for election.

Terms for selectmen shall be three (3) years. The office of Selectman is governed by 30-A M.R.S.A. § 2526(3)(A).

One (1) position each on the Boothbay-Boothbay Harbor Community School District School Committee, the Boothbay-Boothbay Harbor Community School District Board of Trustees, the Boothbay Region Water District, and the Boothbay Region Cemetery District shall be up for election every year, for three (3) year terms.

Except as otherwise provided by law, nomination papers for Town office elections shall be available for forty (40) days before the filing deadline. Except as otherwise provided by law, the filing deadline is forty-five (45) days prior to election day.

Nomination papers must be signed by not less than twenty-five (25) voters registered in the Town of Boothbay.

**2.7 REFERENDUM QUESTIONS:** By order of the Board of Selectmen or on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election, but in no case fewer than ten (10) voters, the Board of Selectmen shall have a particular article placed on the next printed ballot or shall call a special Town Meeting for its consideration. The Board of Selectmen shall hold a public hearing on the subject of the article at least ten (10) days before the date for voting.

## **SECTION 3: TOWN OFFICIALS, BOARDS, and COMMITTEES**

### **3.1 ELECTED OFFICIALS**

**3.1.1 Moderator.** The Moderator shall be the official elected by a Town Meeting to serve as chairperson at the Town Meeting. The Moderator's term of office shall be only for the duration of a Town Meeting. The Moderator shall be elected by written ballot, as the first order of business at a Town Meeting. The duties of the Moderator shall include presiding over and supervising the voting at a Town Meeting and the conduct of the meeting itself.

**3.1.2 Selectmen.** Five (5) Selectmen shall serve at any one time, to be elected at large to three (3)-year terms. Two (2) Selectmen shall be elected each year except that every three (3) years only one (1) shall be elected.

## **3.2 APPOINTED OFFICIALS**

The following Town officials shall be appointed by the Board of Selectmen. Unless otherwise stated below, terms shall be one (1) year, from July 1 through June 30. To hold any of these offices, a person must be a resident of the Town of Boothbay for more than six (6) months of the calendar year, at least eighteen (18) years of age, a registered voter in the Town of Boothbay, and a citizen of the United States. The residency requirement does not apply to Appointed Officials who are employees of the Town.

**3.2.1 Animal Control Officer.** Animal Control Officers must be State-certified and may not have been convicted of a criminal violation under Title 17, Chapter 42 of the M.R.S.A., or adjudicated of a civil violation under Title 7, Chapter 739 of the M.R.S.A. Animal Control Officers' duties shall include controlling domesticated and undomesticated animals that are a cause of complaint in the community, or that pose a threat to public health or safety. Animal Control Officers shall enforce the terms of the Animal Control Ordinance, Section 5.2 of these General Ordinances.

**3.2.2 Assessor.** The Assessor must be State-certified. The Assessor shall plan and administer the assessment/appraisal system for the Town in maintaining current property valuation through visitation, data collection, and computer analysis. The Assessor shall appraise residential, commercial, agricultural, and industrial properties; special rights and interests; personal property; and public utility equipment and properties. The Assessor shall maintain and oversee the maintenance of official maps, transfers, and other records maintained in the assessment office. The Assessor shall make and enter computation valuations and other data in valuation commitment books, and determine the valuations to be placed on new, renovated, and existing property based on changing market value. The Assessor shall prepare and administer a department budget, and assist other Town departments with tax related questions.

**3.2.3 Building Inspector.** The Building Inspector must be skilled in the construction of buildings. The Building Inspector's duties are to issue building permits in accordance with the Town's ordinances regulating building construction, alteration, demolition or improvement; inspect all new buildings under construction or in the process of being repaired to see that all proper safeguards are used against the catching or spreading of fires, that the chimneys and flues are made safe and that the proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread and that all applicable codes have been followed; issue occupancy permits to allow the occupancy of new buildings provided such buildings conform to all applicable codes; withhold building permits from proposed construction in accordance with local ordinances and State and federal statutes; and other duties as expressly provided by ordinance or statute.



operation of the waters of the Town, including mooring plans and designated channels, and shall enforce the watercraft laws of the State and the Harbor Ordinance.

**3.2.9.1 Deputy Harbor Masters.** There shall be six (6) Deputy Harbor Masters appointed to oversee specific portions of the Town's waterways in accordance with State law and the Harbor Ordinance.

**3.2.10 Health Officer.** The Health Officer shall report to the Maine Department of Human Services (DHS) facts that relate to communicable diseases occurring in the Town; receive and evaluate complaints concerning nuisances posing a potential public health threat; inspect premises, with owner or person-in-possession consent or court-ordered warrant, where conditions posing a public health threat are known or believed to exist; order the suppression or removal of any conditions posing a threat to the public health after inspection and consultation with the DHS; and order removal of sources of filth as defined in State law. The Health Officer shall keep an accurate record of all proceedings, actions and transactions performed by the office, as required by State law.

**3.2.11 Plumbing Inspector.** The Plumbing Inspector must be State-certified and may not approve his/her own work or the work of an employer or employee, in which case the State Plumbing Inspector shall act. The Plumbing Inspector shall inspect all plumbing that requires permits, to ensure compliance with State rules and Town ordinances and investigate all construction or work covered by those rules and ordinances; condemn and reject all work done or being done or material used or being used that does not comply with State rules and Town ordinances, and order changes necessary to obtain compliance; issue a certificate of approval for any work that the Inspector has approved; keep an accurate account of all fees collected and transfer those fees to the Town Treasurer; keep a complete record of all essential transactions of the office; investigate complaints of alleged violations relating to plumbing or subsurface waste water disposal and take appropriate actions as specified by law; issue permits, when appropriate, before a seasonal dwelling can be converted to a year round dwelling in the shoreland zone if the disposal system is located within the shore-land zone; inspect shoreland zone subsurface systems, when requested by an owner who is going to sell, to determine if the system has malfunctioned within 180 days of transfer of that property; and submit an activity report by February 1 each year to the Town and DHS.

**3.2.12 Public Works Foreman.** The Public Works Foreman shall oversee all operations of the Public Works Department and maintenance of Public Works equipment and supplies. His/her duties shall be as outlined in the Public Works Ordinance, Section 5.7 of these General Ordinances.

**3.2.13 Registrar of Voters.** The Registrar of Voters may not hold or be a candidate for any State or county office or be an officer of any political party committee. The

municipal budget for approval at Town Meeting; the administration of that budget once adopted; the regulation of departmental spending; the development and execution of an administrative plan for governmental activity; and the duties belonging to any other municipal office to which the Town Manager has specifically been appointed by the Board of Selectmen and separately sworn.

**3.2.19 Treasurer.** The Treasurer shall receive and record all revenues due the Town and make necessary disbursements upon authorization by the Board of Selectmen. The Treasurer shall be responsible for keeping the Town's financial accounts in accordance with generally accepted principles of municipal accounting. The Treasurer shall present clear financial information to the voters, primarily through the Town report, and to the Board of Selectmen so that the Board of Selectmen can make informed decisions, particularly with regard to municipal borrowing and investment. The Treasurer is also responsible for accepting tax warrants from the State and county governments and making sure they are promptly paid.

**3.2.19.1 Deputy Treasurer.** The Deputy Treasurer shall assist the Treasurer in the performance of the Treasurer's duties.

### **3.3 STANDING TOWN BOARDS and COMMITTEES**

The following standing Town committees and boards shall be implemented. Unless otherwise specified below, committee and board members are appointed by the Board of Selectmen for staggered terms of three (3) years, from July 1 through June 30. To hold any of these positions, a person must be a resident of the Town of Boothbay for more than six (6) months of the calendar year, at least eighteen (18) years of age, a registered voter in the Town of Boothbay when appointed and while serving, and a citizen of the United States.

All boards and committees shall keep records of their proceedings.

Appointments and dismissals shall be made in accordance with Town's Policy on Administrative/Appointed Boards and Committees, as such policy is established by order of the Board of Selectmen and amended by the Board of Selectmen from time to time. There shall be no limit on the number of terms a board or committee member may serve, except as otherwise provided by law.

No person may serve on more than one of the following committees or boards at the same time: Town Board of Appeals, Town Board of Assessment Review, Town Planning Board, Town Port Committee, Boothbay Region Refuse Disposal District, Shellfish Committee.

**3.3.1 Board of Appeals.** The Board of Appeals shall consist of five (5) full members and two (2) alternate members. The Board shall hear and decide administrative appeals, interpretation appeals, and requests for variances filed in connection with decisions made under the Zoning Ordinance. The Board shall have jurisdiction over appeals filed under State law relating to special amusement permits (28-A M.R.S.A. § 1054) and appeals regarding whether a particular piece of farmland is eligible to be registered for protection from inconsistent

**4.1.3** Their best judgment for projected expenses.

**4.2 Licenses and Fees:** Except as otherwise provided by law, licenses and fees shall be established by the Board of Selectmen, which shall make and maintain a current schedule of such licenses and fees available, as updated on an annual basis, to the general public.

**4.3 Tax Acquired Property:** The Board of Selectmen shall have authority to deal with tax acquired property in any of the following ways:

**4.3.1** The Board of Selectman may retain such property but only for town or public use.

**4.3.2** All property which the selectmen in their discretion decide is not needed for town or public use shall be disposed of as follows:

**4.3.2.1** The Board of Selectmen shall send notice via regular and certified mail to the immediately prior owner or owners of any impending sale at least 45 days prior to said sale or by March 15, whichever date shall first occur. Said prior owner or owners may redeem the property at any time within 30 days immediately following such notification with full payment of all outstanding taxes including a just value for the current year not yet assessed, along with cost of lien release, interest and all other costs including but not limited to notice and insurance. The Selectmen in their discretion, may determine a payment plan for such redemption by a prior owner or owners.

Providing only that all back and current taxes, interest and lien charges shall have been paid in full, the Selectmen shall execute and deliver a quit-claim deed from the Town to any owner of property in order to clear the title to that property from any undischarged tax lien.

**4.3.2.2** Any property not redeemed in accordance with 4.3.2.1 above shall be disposed of as follows:

The Board of Selectmen shall solicit bids for the purchase of any such tax acquired property not needed for town or public use and not redeemed by the former owner or owners in accordance with 4.3.2.1 above and shall receive, open and read aloud at a public meeting all bids so received. Such reading to be the first week of June following foreclosure of the tax lien."

**4.3.2.3** The Board of Selectmen shall cause a public notice of impending public sale of tax-acquired property to be posted within the Town office, the post office, and to be advertised for two successive weeks in a newspaper with local/regional circulation, the last notice to be published at least seven (7) days prior to the advertised sale date.

**4.4 ETHICS AND CONFLICTS OF INTEREST:** The business and affairs of the Town of Boothbay must be conducted openly and in a manner that is above reproach. There cannot be any suggestion of favoritism, cronyism, or self-dealing in any of the actions of the Town or its Municipal Officers, Municipal Officials, or Employees, including without limitation, action pertaining to hiring and employment practices, purchasing of goods and services, raising of revenues, and providing of goods and services.

For the Town to carry out its operations effectively, it is necessary that it enjoy the confidence of the citizens of the Town and others in the integrity of its operations. In particular, it is necessary that no person will benefit from actions of the Town by reason of having, directly or indirectly, a position of influence in the Town.

Section 4.4 shall serve as a guide to the conduct of the Town's Municipal Officers, Municipal Officials, and Employees. There is not always a bright line that, when crossed, will constitute a violation of this section. It is expected that individuals will not attempt to come as close as possible to the limits in this Section 4.4 without crossing it. On the contrary, it is expected that individuals will try to avoid conduct that falls within the broad definitions of prohibited conduct.

Section 4.4 does not replace the laws, rules, and regulations that govern the business and affairs of municipalities, quasi-municipal corporations, and other bodies politic and corporate within the State of Maine generally, but is a supplement to those laws, rules, and regulations. In the event of a conflict between the provisions of such laws, rules, and regulations on the one hand and the provisions of this Section on the other, the more restrictive provisions shall govern unless prohibited by applicable law.

Section 4.4 does not supersede or replace any other applicable policies, laws, rules, and regulations that address issues of discrimination, harassment, and similar undesirable conduct.

#### **4.4.0.1 Definitions**

**4.4.0.1.1 Responsible Person:** a Municipal Officer, Municipal Official, or Employee of the Town.

**4.4.0.1.2 Benefit:** A gain, whether financial or otherwise, to a Responsible Person. A Responsible Person shall be deemed to realize a Benefit if a gain is realized by a member of the family of a Responsible Person or his business associate or any firm in which the Responsible Person has, directly or indirectly, an ownership interest of at least 10 percent. "Benefit" does not include a reasonable compensation package to an Employee arrived at in the ordinary course of business.

**4.4.2.1.1** If a question arises as to whether a course of action by a Responsible Person constitutes a violation of this Policy, the question shall be referred to the Board of Selectmen; provided that if the Responsible Person is a Selectman, that person shall not participate in the actions of the Board in considering the question. The Board of Selectmen shall gather information which it deems necessary to reach a decision, and shall confer with the Responsible Person in question. Such Responsible Person shall either abide by the findings and recommendations of the Board of Selectmen or resign his position.

**4.4.2.1.2** A Responsible Person shall disclose to the Board of Selectmen any instance of a Conflict of Interest or the appearance of a Conflict of Interest prior to action by the Town on the matter to which such Conflict of Interest pertains, and such disclosure shall be included in the minutes of the meetings of the Board of Selectmen.

**4.4.2.1.3** To the extent permitted by applicable laws, the Board of Selectmen shall have authority to cause the removal from his position with the Town, or otherwise discipline, any Responsible Person who fails to comply with the provisions of this Policy.

**4.4.2.1.4** The Board of Selectmen shall maintain written records of its proceedings under this Section 4.

**4.4.2.1.5** Annually, all Responsible Persons shall be given a copy of this ordinance, and shall acknowledge in writing that they have received a copy of this Policy and that they agree to the provisions of this Policy. Such acknowledgements shall be filed with the records of the Town Clerk.

**4.4.3 Exceptions:** It is acknowledged that the Town and the Boothbay region has a small population and that there might be occasions when the interests of the Town will be best served in engaging a Contractor where such engagement might result in a Benefit to a Responsible Person. Such engagement may be undertaken under the following provisions:

**4.4.3.1** The Board of Selectmen shall review the circumstances of the proposed course of action; provided that if the Responsible Person is a Selectman, he shall not participate in the deliberations or decision of the Board of Selectmen except to provide information as to the nature of the proposed engagement.

**4.4.3.2** The Board of Selectmen shall, at the request of any Selectman, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

**4.5.3 Applicability.** This Ordinance shall apply to purchases made by departments and agencies of the Town, except as otherwise specified herein.

**4.5.4 Appropriation.** Except as otherwise provided by law, no one shall make any purchase or allow any purchase to be made until an appropriation therefore has been voted by Town Meeting.

**4.5.5 Purchase Limits**

**4.5.5.1** A Department Head or the Department Head's designated representative may make field purchases when the total purchase price for goods or services being purchased is less than the dollar amount set annually by the Board of Selectmen as the purchase limit for Department Heads under this Ordinance, provided the field purchases are reported to the Town Manager within three (3) days thereafter.

**4.5.5.2** The Town Manager shall make any purchase when the total purchase price exceeds the dollar amount set annually by the Board of Selectmen as the purchase limit for Department Heads under this Ordinance.

**4.5.6 Competitive Bidding**

**4.5.6.1** Competitive bids shall be required for all purchases in excess of the dollar amount set annually by the Board of Selectmen as the purchase limit for Department Heads under this Ordinance, unless specifically exempted by this Ordinance or by action of the Board of Selectmen.

**4.5.6.2** Informal bidding procedures shall be allowed when a purchase is required to be by competitive bidding if the total purchase price is less than the dollar amount set annually by the Board of Selectmen for formal bidding procedures under this Ordinance, unless the Town Manager recommends use of formal bidding procedures.

**4.5.6.3** Formal bidding procedures shall be followed by the Town Manager in all other cases when competitive bidding is required by this Ordinance.

**4.5.6.4** The Town Manager may make cooperative purchases without competitive bidding if the Town Manager determines the purchase is being made after competitive bidding by the cooperative entity or at price more advantageous than the Town would be likely to obtain through competitive bidding.

**4.5.6.5** The Town Manager may waive the requirements for competitive bidding, with the approval of the Board of Selectmen, for purchases in cases of emergency or when the purchase is inappropriate for competitive bidding due to the nature of the item, time constraints or other factors, provided that the Town Manager shall file a full and complete statement of the reasons for waiving competitive bidding.

received. Any solicitation or advertisement shall note that all purchases are subject to the conditions set forth in Section 4.5.9.

**4.5.8.2** All bids shall quote delivered prices, terms of payment and cash discounts if applicable. If oral quotations are accepted, the Town Manager shall make a written record of the quotation. The person from whom the quote is received, and the date and time the quote is received by the Town shall be recorded.

**4.5.8.3** The Town Manager shall attempt to solicit at least three vendors on every purchase subject to informal bidding procedures. If fewer than three bids are received, or if in the opinion of the Department Head or the Town Manager no bids are acceptable, re-bidding may be required.

**4.5.8.4** In all cases the bid most advantageous to the Town, in terms of price, quality, and other factors being considered, shall be awarded.

**4.5.9 Administrative Procedures and Conditions.** Competitive bids shall be administered by the Town Manager and shall be subject to the following conditions:

**4.5.9.1** The Town Manager shall keep a record of all bids submitted and such records shall be opened to public inspection.

**4.5.9.2** All bidders shall be notified of bid results within ten days after the bids are opened.

**4.5.9.3** Tie bids shall be resolved by the Board of Selectmen.

**4.5.9.4** All bids shall be awarded on the basis of the bid most advantageous to the Town.

**4.5.9.5** The Town reserves the right to accept or reject any or all bids, to investigate the qualifications of any bidder, and to waive or not waive any and all informalities in the bids when making an award.

**4.5.9.6** If an award is made to other than the low bidder, the Town Manager shall file with the Board of Selectmen a full and complete statement of the reasons for determining that the low bid was not the bid most advantageous to the Town, together with all papers relating to the bidding process.

**4.5.9.7** The Town shall retain custody of all bids submitted to the Town pursuant to this Ordinance.

**4.5.10 Duties of Department Heads.** In order to assist in advantageous and expeditious purchasing for the Town, Department Heads shall:



**5.1.1** The Town ordains that all existing Maine State laws relating to Public Health shall be applicable as well as these Ordinances. The Health Officer is authorized to prosecute violations of Sections 5.1.2, 5.1.3 and 5.1.4 of this Ordinance.

**5.1.2** The Health Officer is hereby authorized to have removed, at the expense of the owners of the property, any pile of garbage, refuse or waste matter that is dangerous to health or that gives off offensive odors or which might cause the breeding of flies or vermin, accumulated on any property which, after reasonable notice, has not been removed.

**5.1.3** It is the right of the Town to make inspection of all places wherein food or beverages are sold or served to confirm that they are in accordance with Title 22 of the M.R.S.A. and to Town regulations that may be adopted by the Board of Selectmen from time to time, as it sees fit and in accordance with state law.

**5.1.4** No house that is in such a dilapidated condition or state of filthiness or uncleanness as to endanger the health or life of any person that occupies it, or that is not furnished with a safe water supply or with toilet facilities, shall be used as a dwelling, or rented for that purpose. The Board of Selectmen, pursuant to 17 M.R.S.A. §#2851 et seq., may seek the advice of the Code Enforcement Officer and Health Officer to determine if conditions are dangerous to health, safety or life. The Board of Selectmen may then declare the building unfit for human habitation and take appropriate action.

#### **5.1.5 Licenses Generally**

**5.1.5.1 Licensing authority.** To the extent practical, licensing procedures should be uniform and consistent with the protection of the public health, safety and welfare. To that end, all licenses shall be issued, denied, suspended or revoked by the Town Manager or his/her designee except as expressly provided in these General Ordinances or by State law.

**5.1.5.2 Applications.** An applicant for a license must file with the Town Manager or his/her designee a sworn application in writing, on a form to be furnished by the Town Manager or designee. Each application submitted shall state the following information:

- (1) Name and description of the applicant.
- (2) Address (legal and local) of the applicant.
- (3) A brief description of the license desired.
- (4) The location to be used in conjunction with the license (if applicable).
- (5) The nature of the business or use for which the license is desired.
- (6) Name of Employer (if other than applicant).
- (7) Vehicle to be used (if any) (description and license #).
- (8) A recent photo of the applicant (within sixty (60) days).
- (9) The date of the application.

which the license or licenses have been applied for, or have been issued; or

- (6) The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof; or
- (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the Town, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the Town on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application.
- (8) Violation of any of the terms and conditions of the license.

#### **5.1.5.5 Appeals.**

**5.1.5.5.1 Procedure.** An appeal to the Board of Selectmen may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Town Manager or his/her designee by filing a notice of appeal and the prescribed fee with the Board of Selectmen within thirty (30) days of the decision appealed from, and not thereafter. Every appeal shall be in writing and shall state the basis for the appeal. The Board of Selectmen shall hear the appeal within thirty (30) days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Town Manager or his/her designee may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the Town Manager or his/her designee shall make a written finding of his or her decision in this regard and shall notify the appellant.

**5.1.5.5.2 Scope of Review.** On appeal, the Board of Selectmen shall review the decision of the Town Manager or his/her designee and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation. The Board of Selectmen may take additional evidence with respect to such decision or action, and if additional testimony or evidence is taken, shall determine the appeal upon all of the evidence.

**5.1.5.5.3 Appeal to the Superior Court.** Any person aggrieved by a decision of the Board of Selectmen on appeal may appeal therefrom to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

persons who individually or collectively have an interest in more than one-half of the voting shares of the corporation. In the case of a limited partnership, the term shall not include ownership of limited partnership shares.

**5.1.5.7 Inspections.**

**5.1.5.7.1** A licensee must allow access to the licensed premises to any Town official authorized to determine compliance with federal, state or local law at any reasonable time, including any time that access is allowed to the public.

**5.1.5.7.2** A violation of this section is grounds for license nonrenewal, suspension, or revocation, in addition to any other penalties authorized by this Administrative Code.

**5.1.5.8 Violations.** In addition to any action that may be taken by the Town Manager or his/her designee or the Board of Selectmen with respect to the suspension or revocation of a license, violation of this section, or of any licensing provisions of the Town governed by this Administrative Code, or of any rule made pursuant thereto, shall be a civil violation subject to the penalties specified in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time.

**5.1.5.9 Display of License.** Every license shall be exhibited in a conspicuous place on the premises, device or vehicle at all times that the premises, device or vehicle is open to the public.

**5.1.6 Street Vendors and Street Goods Vendors.**

**5.1.6.1 Definitions.** For purposes of this section, the following definitions shall apply:

FARM RELATED PRODUCTS shall mean any agricultural, horticultural, forest or other product of the soil or water, including, without limitation, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, grain and grain products, honey, nuts, maple syrup, apple cider and fruit juice.

MARINE RELATED PRODUCTS shall mean any fish and fish products, edible sea plants or other agricultural items derived from the sea, seafood, shellfish, and sea salts.

STREET GOODS VENDOR means a person who sells, demonstrates, distributes samples of or solicits or takes orders for goods other than food or beverages.

- (2) Transporting goods or passengers for hire;
- (3) Providing emergency medical or motor vehicle services;
- (4) Advertising only, on a motor vehicle; or
- (5) Persons selling solely for the benefit of a bona fide nonprofit organization.

#### **5.1.6.3 Conditions of Operation.**

**5.1.6.3.1 Area of Operation.** A licensed street vendor may operate in any zoning district of the Town where such use is a permitted or conditional use as defined in the Zoning Ordinance.

#### **5.1.6.3.2 Conduct of Operations.**

- (1) Every licensed street vendor shall wear a numbered badge issued by the Town Clerk.
- (2) Every licensed street vendor shall operate only from a pushcart that conforms to all applicable rules or regulations promulgated under this section.
- (3) Every licensed street vendor that is also a mobile food service establishment shall provide waste paper receptacles for use by customers, and shall maintain the immediate area free of litter generated by them.
- (4) No licensed street vendor shall sell any goods or services, or use any equipment not specifically authorized by the license, operate in any manner that would constitute an unfair or deceptive trade practice under State law, or make any noise in violation of Section 5.1.12, Noise Ordinance, of the Administrative Code.
- (5) No street vendor shall engage in street vending between the hours of 10:00 p.m. and 8:00 a.m.

#### **5.1.6.4 Prohibited Operations.**

**5.1.6.4.1** No street vendor shall operate on any street, way or public place without a license.

**5.1.6.4.2** No street goods vendor shall operate on any street, way or public place except during a festival or event declared pursuant to Section 5.1.6.5.

**5.1.6.4.3** No vendor other than a licensed street vendor as defined in this section shall operate on any street, way or public place.

**5.1.6.4.4** No street vendor shall operate:

- (1) Within any area designated by the Board of Selectmen for a street festival or other special event except as authorized by the Board of Selectmen;
- (2) On any Town-owned property without a lease, contract, or other agreement with the Town;

an outside power source or not; that has no fixed location for the operation or transaction of business; and that is moved from one location to a different location not less frequently than once every twelve (12) hours in any twenty-four (24) hour period in order to serve persons otherwise present at such locations at such times. Mobile food service establishments include, but are not limited to, pushcarts, food vending trucks and ice cream trucks.

**5.1.7.2 License Required.** No person shall operate a mobile food service establishment within the Town without a license from the Town Manager or his/her designee. Any license issued pursuant to this section shall expire on December 31 immediately following issuance of the license.

**5.1.7.3 Application.** An applicant for a mobile food service establishment license shall, in addition to the information required under Section 5.1.5.2, submit the following information to the Town Manager or his/her designee:

- (1) A plan for water supply;
- (2) A plan for the cleaning of the establishment at least daily;
- (3) A plan for waste disposal;
- (4) A plan for disposal of liquid waste, which shall not be allowed to run into the ground; and
- (5) A plan for the provision of restrooms for employees.

**5.1.7.4 General Licensing Provisions to Apply.** All provisions of Section 5.1.5 shall be additional to the provisions of this section.

#### **5.1.8 Transient Sales.**

**5.1.8.1 License Required.** No person shall engage in transient sales of consumer merchandise or services within the Town without a license from the Town Manager or his/her designee. Any license issued pursuant to this section shall expire on December 31 immediately following issuance of the license.

**5.1.8.2 State License Required.** Obtaining and maintaining a transient seller's license for the State by the applicant or licensee shall be a condition precedent to the issuance or maintenance of a license under this section.

**5.1.8.3 General Licensing Provisions to Apply.** All provisions of Section 5.1.5 shall be additional to the provisions of this section.

#### **5.1.9 Yard Sales** - Yard sales shall be regulated in the following manner:

##### **5.1.9.1 Performance Standards**

- (a) A yard sale may occur for three (3) or fewer consecutive days without obtaining a permit.
- (b) A yard sale may occur over a period of four (4) to seven (7) days if a permit has been issued by the Code Enforcement Officer.

whether alternate methods are available to achieve the objectives of the sound producing activity.

**PERSON** shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political, administrative or legal entity of any kind.

**PLAINLY AUDIBLE** shall mean any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**5.1.13.2 – General Prohibitions.** No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary or unreasonable noise or disturbance, or any noise or disturbance that disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, especially between the hours of 9:00 PM and 7:00 AM.

**5.1.13.3 – Specific Prohibitions.** The commission of one or more of the following acts shall be deemed a violation of this Ordinance and shall be considered a noise disturbance and public nuisance, provided that the instrument, devices, vehicles or other noise source is plainly audible from (a) the property line of the premises from which the noise emanates if the noise is from a fixed location; or (b) a distance of fifty feet (50') from the building, structure, location or vehicle from which the noise emanates, whichever distance is greater:

(1) **Horns and Signaling Devices.** The repeated sounding of any horn or signal on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

(2) **Mobile, Portable or Outdoor Electronic Sound-producing Devices.** The playing or use of a mobile, portable or outdoor electronic sound-producing device in such a manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

(3) **Radios, Musical Instruments and Phonographs.** The playing, using or operating of any radio, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, comfort or repose of any other persons in the vicinity with a volume louder than is necessary for the reasonably convenient hearing for

equipment is operated within the manufacturer's specifications and in proper operating condition.

- (9) Any activity or conduct, the regulation of which has been preempted by federal or state law.

**5.1.13.5 Special Sound Permits** – Any person may apply to the Town Manager for a Special Sound Permit to authorize the production or generation of noise that would otherwise be in violation of this Ordinance prior to engaging in such activity. Any request for such a permit must be made at least forty-eight (48) hours before the time the intended noise-producing activity will commence. The Town Manager or his designee has the authority to grant or deny a Special Sound Permit, but the decision shall be made subject to the following standards:

1. The activity producing the noise must be an event that occurs infrequently on the premises for which the Special Sound Permit is requested.
2. The applicant may not receive more than two (2) Special Sound Permits for any particular premises in any twenty-eight (28) day period.
3. Reasonable conditions may be imposed on the Special Sound Permit.

**5.1.13.5.1 Appeal of Denial of Special Sound Permit** – An applicant may appeal the denial of a Special Sound Permit to the Board of Selectmen. Such an appeal must be filed within ten (10) days of the denial of the permit. The Board of Selectmen shall conduct an administrative hearing on the appeal. In the event such an appeal is not satisfactorily resolved before the Board of Selectmen, the applicant may appeal the Board of Selectmen's decision to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

**5.1.13.6 Violations** – A violation of this Ordinance shall be a civil violation.

**5.1.13.7 Enforcement.** – Any municipal officer or their designee or any sworn law enforcement officer who is a member of the Maine State Police or the Lincoln County Sheriff's Office may issue a civil violation complaint, in the same manner as would be the case with a parking violation, to the individual responsible for any such device emitting sound in violation of this Ordinance, including the driver of a motor vehicle, or the registered owner of the vehicle, the owner of record of a residence, the proprietor of a business or the person who is in physical control of the device responsible for the unreasonable or excessive noise. Actions shall be prosecuted in Maine District Court located in Wiscasset in accordance with Rule 80H of the Maine Rules of Civil Procedure.

**5.1.13.8 Penalties.** – For any first violation of this Ordinance, there shall be imposed a civil fine or penalty in such amount as specified in the Boothbay



**DOG:** any of large and varied groups of domesticated animals in the canine family.

**OWNER:** any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

**5.2.3 – Animal Control Officer:** A State-certified person(s) shall be employed by the Town who shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer(s) shall be principally responsible for the enforcement of all laws related to domestic animals that pose a threat to public health and safety, controlling undomesticated animals in matters on which no other department or agency is charged by law to regulate, taking a stray animal to its owner or to an animal shelter, and ensuring that any injured animal that is at-large or in a public way is given proper medical attention. The Animal Control Officer(s) shall also have authority to deal with cases of dangerous dogs, animal trespass, and cruelty to animals, and shall be required to respond to reports of animals suspected of having rabies.

**5.2.4 – At-Large Dogs:** It is unlawful for any dog, licensed or unlicensed, to be at-large, except when used for permitted hunting. The owner of any dog found at large shall be subject to the civil penalties provided in 7 M.R.S.A. § 3915.

**5.2.5 – Impoundment or Return of At-Large Dogs:** All dogs found at-large in violation of 7 M.R.S.A. § 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer(s). If the Animal Control Officer(s) returns the dog to its owner, the owner shall pay a Return Fee as described in 7 M.R.S.A. § 3915 to the Town, which shall issue a receipt, before the dog is returned.

**5.2.6 – Animal Noise:**

- (1) Except as provided in subparagraphs (2) and (3) below, no owner shall permit or allow any animal to bark, howl or make other sound common to its species if such sounds recur in steady, rapid succession for 20 (twenty) minutes or more or to recur intermittently for one hour or more. Violators of this regulation shall be subject to fine as specified in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time.
- (2) Subparagraph (1) above shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- (3) Subparagraph (1) above shall not apply to farm animals kept on property the principal use of which is the production of farm products, or to commercial kennels.

**5.2.7 – Control of Animal Waste:** An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private

shall be deemed admitted for the purpose of assessing any future penalties under this section. Upon receipt of such payment to the Town, the Town shall cause the complaint to be dismissed. Failure to pay the waiver fee within seven (7) days from the date of issuance of the complaint shall result in further enforcement action, including, without limitation, liability for the full amount of the fine for the violation and any other appropriate relief.

### **5.3 PUBLIC STREETS AND TRAFFIC ORDINANCE**

**5.3.1 – Traffic Laws:** The Town adopts Title 29-A of the M.R.S.A. with the same force and effect as though set out in full herein as the official municipal ordinance for the operation of vehicles in the Town. Enforcement of Sections 5.3.1 through 5.3.6 shall be the Road Commissioner or any sworn law enforcement officer who is a member of the Maine State Police or the Lincoln County Sheriff's Office.

**5.3.2 –** The Board of Selectmen shall have the authority to locate stop signs on Town public ways and to make streets one-way in the Town, except as otherwise provided by law.

**5.3.3 -** Drivers of a vehicle on the approach of an emergency-responder vehicle showing a flashing red or blue light shall pull said vehicle to the right curb as soon as possible, and slow to a stop.

**5.3.4 -** No vehicle shall trail, follow or approach closer than two-hundred feet (200') any emergency vehicle going to or attending an emergency.

**5.3.5 -** No vehicle shall obstruct or impede traffic in any unreasonable manner on the public ways in the Town.

**5.3.6 –** No obstructions may be placed or caused to be placed within the legal right of way of any public way in the Town unless approved by the Road Commissioner.

**5.3.6.1 – Mailbox Replacement:** The Town will not be responsible for damage to any mailbox or mailbox post that is in the public right of way. The Town will not replace or repair damaged mailboxes in the right of way.

**5.3.7 – Road Openings:**

No person shall dig up any part of any street, highway, or town way, without first obtaining permission from the Road Commissioner, as set forth in 23 M.R.S.A. §§ 3351-3360-A. All openings in the streets and sidewalks made under such permit shall be opened and refilled under the supervision of the Road Commissioner and all expenses charged to the parties asking for such an opening. No road openings will be allowed for five (5) years after paving, except in emergency as determined by the Road Commissioner, with appeal to the

**5.3.11 – Entrance to Town Ways (Driveways):** Property owners must apply to the Road Commissioner or his/her designee for a permit to construct any driveway accessing a Town Way. For any driveway accessing State Aid Roads, a permit should instead be obtained from the Maine Department of Transportation (MDOT). Guidelines for locating a driveway entrance are set forth in the “Guidelines for Locating your New Residential Driveway,” dated May 2004, as may be amended from time to time by the Board of Selectmen following a recommendation from the Road Commissioner.

#### **5.4. EMERGENCY SERVICES ORDINANCE**

**5.4.1 – Emergency Management:** The Board of Selectmen shall appoint a Director of Emergency Management to develop plans for and to facilitate cooperation in the work of disaster prevention, preparedness, response and recovery in the Town.

**5.4.1.1 -** The Director shall serve as the Town's liaison to the Lincoln County and Maine Emergency Management Agencies.

**5.4.1.2 –** The Director shall be appointed for a term of one (1) year and may be reappointed for indefinite one (1) year terms.

**5.4.1.3 –** The Director shall provide to the Fire Chief an Annual Report of the Department's operations with a complete inventory of the Department's equipment and recommendations for the future.

**5.4.2 – Emergency Medical Services:** The Board of Selectmen shall provide for the delivery of State of Maine licensed Emergency Medical Services for the Town on a 7 days per week, 24 hour per day basis.

**5.4.2.1 –** The Board of Selectmen shall require the provider of Emergency Medical Services to furnish an Annual Report of its operations.

**5.4.3 – Fire Department:** The Board of Selectmen shall maintain a Fire Department to extinguish fires and to provide emergency services in the Town.

**5.4.3.1 - Life Safety Code:**

**5.4.3.1.1 -** The Town adopts the current edition of the National Fire Protection Association Code NFPA 101 Life Safety Code published by the National Fire Protection Association with the same force and effect as though set out in full herein as the official Life Safety Code of the Town.

**5.4.3.1.2 –** The penalty for violating the provisions of said Life Safety Code, in addition to injunctive relief, shall be a fine as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day

presence or action of the Fire Department, the Town's obligation to the owner shall have been discharged and the Lincoln County Communications Center or its successor shall be notified of this determination.

**5.4.4.2.2 - Transmission of Non-Emergency Alarms.**

- a) **Assessment of Forfeitures.** – Any owner whose system causes transmission of a non-emergency alarm more than three (3) times in any one calendar year period shall be assessed a cash forfeiture as described in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time, for each instance of a non-emergency alarm in excess of three such alarms in any one calendar year.
- b) **Disconnection of the System.** – Any owner whose system causes the transmission of two or more non-emergency alarms within a forty-eight (48) hour period shall, upon request of the Fire Chief or an Assistant Fire Chief, immediately disconnect the system and shall not reconnect the system until it has been inspected and repaired. Notice of inspection and repair shall be provided to the Boothbay Fire Department prior to reconnection of the system.

**5.5. ADDRESSING ORDINANCE**

**5.5.1 - Purpose of Ordinance.** - The purpose of this Ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and medical service personnel in the Town.

**5.5.2 – Authority.** - This Ordinance is pursuant to and consistent with the municipal home rule process as provided for in 30-A M.R.S.A. § 3001.

**5.5.3 – Administration.** - The Code Enforcement Officer (CEO) shall administer this Ordinance. The CEO shall assign road names and numbers to all properties on both existing and proposed roads, in accordance with the criteria in Sections 5.5.4 and 5.5.5 of this Ordinance. The CEO shall be responsible for maintaining the following records under this Ordinance:

- a) A town map for official use showing road names and numbers.
- b) An alphabetized list of all property owners as identified by assessment records, showing the assigned numbers.
- c) An alphabetical list of all roads with property owners listed in order of their assigned numbers.
- d) All appropriate state records and forms.

- d) Every person whose duty it is to display the assigned number shall remove any numbers that might be mistaken for, or confused with, the assigned number.
- e) Inside Locations. All residents and other occupants are encouraged to post their assigned number and road name next to their telephone for emergency reference.

**5.5.7 - New Developments and Subdivisions.** - All new construction and subdivisions shall be named and numbered in accordance with the following provisions:

- a) New Construction. Whenever any residence or other principal structure is constructed, it shall be the duty of the new owner to get an assigned number from the CEO at the time of issuance of the building permit
- b) New Subdivisions. All developers shall show a proposed road name and lot numbering system on the final plat plan submission to the Planning Board.

Approval by the Planning Board after consultation with the CEO 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 the center of the streets every fifty (50) feet, using lines and dots, so as to aid in the assignment of numbers to future structures.

**5.5.8 - Effective Date.** - It shall be the duty of the CEO to notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post the new numbers in accordance with this Ordinance, on the stated date of effective use. For new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first

**5.5.9 - Enforcement and Penalties.** - Violation of any of the provisions of this Ordinance shall be deemed civil violations. Any person or persons, firm or corporation owning or having control of any building or premises or other persons, such as subcontractors, who assist in the violation of this Ordinance shall be guilty of a civil violation, and upon adjudication thereof shall be fined as specified in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time. The CEO, acting in accordance with his/her duties and responsibilities, shall serve written notice on the owner(s), or others assisting, of such violation or violations. If the violation is not corrected or abated within thirty (30) days of notification, the Board of Selectmen shall authorize and direct any and all actions seeking injunctions of violations and impositions of fines that may be appropriate or necessary to enforce the provisions of this Ordinance.

**5.5.10 - Conflicts with Other Ordinances.** - This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw,

confined to prevent any portion of the load from falling, blowing, or spilling out of the vehicle, as provided by state law, 17 M.R.S.A. §§ 2263-A and 2264, as may be amended from time to time. Should any materials escape from the vehicle, the driver shall take immediate steps to retrieve that material and shall be held responsible for cleaning up any residual debris.

**5.8.2.1** Any person violating this provision shall be considered to have committed a civil violation, punishable by a fine as specified in the Boothbay Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time, plus costs for the first violation, not more than twice that fee plus costs for the second violation, and not more than four times the initial fee plus costs for the third offense and each separate violation of the same nature thereafter within a 12 month period, which fines shall be recovered on complaint for the use of the Town.

**5.8.3 Recycling** – Recycling is required to the extent mandated by the Boothbay Region Refuse Disposal District recycling regulations.

## **5.9 UTILITIES ORDINANCE**

**5.9.1** The purpose of this Ordinance is to provide for Town regulation and use of community systems, including all aspects of their construction, installation, and operation, and any additions or extensions thereto in the Town; and to provide rules, regulations, and conditions for the granting of franchises for the construction, installation, maintenance, and operation of such systems in the Town, in the best interests of the Town and its citizens.

**5.9.2** All utilities placed under public ways in the Town must be “sleeved” (run through a larger pipe) to facilitate repairs without opening the road.

**5.9.3 Water:** The supply of public water in Boothbay is provided by the Boothbay Region Water District (BRWD) the successor in interest of the former East Boothbay Water District and the Boothbay Harbor Water District. The enabling legislation for the Boothbay Region Water District is defined in Chapter 15, Maine Private and Special Laws of 2001 and as amended from time to time. The district is further regulated by the Maine Public Utilities Commission.

**5.9.4 Sewer:** The service of public sewer is provided by the Boothbay Harbor Sewer District, and provides public sewer services to the Town of Boothbay. The enabling legislation of the Boothbay Harbor Sewer District is set forth in Chapter 161 of the Maine Private and Special Laws of 1961 and as amended from time to time.

**5.9.5 Community System Oversight Boards:** Should the Board of Selectmen deem it advisable, the Board of Selectmen may appoint a committee for each Community System of no fewer than three (3) and no more than seven (7)

safety of participants and the general public, and the protection of Town Land.

- k) In order to preserve the natural beauty and environment of Town land and to protect the Town's investment in the same, the Town reserves the right to prohibit the use of Town Land at any time when the public interest so requires.

**5.10.3** When deemed by the Board of Selectmen to be in the best interest of the Town, the Board of Selectmen may waive any of the above conditions or requirements for the use of Town Land.

## **SECTION 6 CABLE TELEVISION ORDINANCE**

### **6-1 Purpose.**

The purpose of this chapter is to regulate the establishment and operation of multi-channel video and cable television service in the Town of Boothbay, Maine (the "Town") for the safety, convenience and general welfare of the public and to provide the procedures and conditions accompanying the application for and grant of Cable Television Franchise Agreements (CTFA), including the renewal of existing franchising agreements.

### **6-2 Franchise agreement required**

No person, firm or corporation may construct, install, maintain or operate a multi-channel video and cable television system in the town without first obtaining a cable television franchise agreement from the town selectmen, authorizing the use of public streets and areas and establishing a framework for delivery of multi-channel video and cable television service, and without maintaining said franchise agreement in full force and effect.

### **6-3 Application for Franchise Agreement.**

1. In order to obtain a new or renewal CTFA to establish or operate a cable television system in the Town, the applicant shall first submit an application to the town clerk which meets the requirements of this section.
2. Each applicant for a franchise agreement, including each applicant for renewal of an existing franchise agreement, shall cover the costs to the town including but not limited to the placement of public notices, advertising, and other expenses relating to, or incurred by the town, in acting upon such applications, and all legal and consulting fees and expenses. The town selectmen shall oversee the amount of these expenses as set forth in the Town's Fee Schedule.
3. Any application for a cable television franchise or renewal of a franchise must contain the following information:
  - a. The name, address, telephone number and e-mail address of the applicant and the applicant's local manager or other primary contact with the town;



- ii. A statement or schedule setting forth all proposed rates and charges to be made to each classification of subscribers, including installation charges, service charges, equipment rental charges and any deposit requirements;
    - iii. A detailed statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47 C.F.R. Subpart K (§ 76.601, et seq.)<sup>i</sup>, of the Rules and Regulations of the Federal Communications Commission, as amended in the future; and
    - iv. A copy of the form of any proposed or standard agreement between the applicant and any subscriber;
  - d. A detailed and complete statement describing the design of the cable system serving, or proposed to serve, the Town. Such statement shall include system architecture, channel capacity, channel uses, access, programming facilities, studio location, point to point service, two-way service, subscriber privacy, and interconnection; and
  - e. Such other information as the Town may require at the time of the franchise application.
4. Prior to issuing a request for proposals to any cable television company or companies for initial or renewal franchise agreements, the Town shall hold a public hearing or conduct some other process to determine any special local needs or interests with respect to cable television service and shall allow for a period of public comment on the request for proposals.
  5. Franchise agreement applications, including renewal applications and any submittals in response to a request for proposals or solicitation of bids and related documents, are public records. Upon filing of such documents, the Town shall provide reasonable notice to the public that such documents are open to public inspection during reasonable hours.
  6. A franchise agreement may be revoked by the Town Selectmen for good and sufficient cause after due notice has been given to the cable operator and a public hearing thereon, with the sole right to appeal to the Lincoln County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.
  7. Before authorizing the issuance of any franchise agreement, including franchise renewals, and approvals of any transfers of ownership, property or rights under franchise agreements, the Town Selectmen shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a multi-channel video and cable television system within the Town, and shall conduct a public hearing thereon. Such public hearing shall provide a reasonable opportunity for public input on the proposed franchise agreement, renewal or transfer. Before doing so, the Town shall publish a notice in a newspaper having general circulation in the Town at least seven (7) days before the hearing advising the name and address of the proposed franchisee, the fact that the Town will consider entering into an initial or renewal franchise agreement or transfer, and the time and place of the hearing.

- d. Install the cable system distribution plant in the Town in accordance with a time schedule to be submitted by the cable franchisee and approved by the Town Selectmen.
2. Until the system is in operation in the Town, the cable franchisee shall report its progress to the Town Selectmen at least every three (3) months. Should the cable franchisee fail to make all reasonable efforts to establish the system and put it into operation, or fail to comply with the requirements set forth in Section 6-5(1) above, the Town Selectmen shall, after notice and hearing, revoke the franchise agreement, and the cable franchisee shall forfeit the proceeds of the performance bond to the Town. In making this determination, the Town Selectmen shall take into consideration those matters beyond the control of the cable franchisee including delays caused by federal, state or local governmental agency, or by any public utility.

#### **6-6 Installation of Service.**

Each cable franchisee shall install and maintain the cable system in a workmanlike manner using only those materials and methods of installation, which are accepted in the industry as being safe and suitable to the purpose for which they were designed.

#### **6-7 Public Liability Insurance.**

Each cable franchisee shall carry all-risk public liability insurance with limits of at least seven million dollars (\$7,000,000) per occurrence and seven million dollars (\$7,000,000) in the aggregate, for bodily injury, personal injury, death or property damage, which coverage may be supplied by a combination of primary and excess policy limits. Each cable franchisee shall furnish the Town with, and keep current, a certificate of insurance that indicates compliance with this section.

#### **6-8 Type and Scope of System.**

Each Cable Franchisee shall:

1. Install and maintain at least an eighty-channel cable system designed to receive and transmit color television programming;
2. Provide for reception and transmission of the multi-channel video and cable television service and radio broadcast signals required by the Federal Communications Commission;
3. Provide public, educational and governmental (PEG) access channels as required by the terms of the franchise agreement; and
4. Provide leased channels and channels utilized for other non-broadcast purposes as are required by the Federal Communications Commission.

#### **6-9 Hours of Operation.**

Each cable franchisee shall keep the cable system serving the Town in operation twenty-four (24) hours per day, seven (7) days per week.

and any franchise agreement hereunder by seeking any available civil remedies, including injunctive relief as provided in 30-A M.R.S.A. § 3008(3) (E).

**6-15 Severability.**

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

**6-16 Effective date.**

This chapter shall take effect immediately upon its adoption and shall apply to all cable television franchise agreements executed after adoption of this chapter.

Notes:           <sup>i</sup> Subpart K Technical Standards  
                      <sup>ii</sup> Subpart N: Cable Rate Regulation

**SECTION 7.** [reserved for future use.]

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**II. SHELLFISH CONSERVATION ORDINANCE**

**III. HARBOR ORDINANCE**

**IV. FLOOD PLAIN MANAGEMENT ORDINANCE**

**V. ZONING ORDINANCE**

**VI. COMPREHENSIVE PLAN**

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<sup>i</sup> Subpart K: Technical Standards

<sup>ii</sup> Subpart N: Cable Rate Regulation”