

**TITLE II
HEALTH, SAFETY & WELFARE
PUBLIC WATER USAGE LIMITATIONS**

Chapter 5 Public Water Usage Limitations

5.A.1 Title, Purposes and Authority

5.A.1.a Title

This Chapter may be referred to as the "Public Water Usage Limitation Ordinance".

5.A.1.b Purposes

One of the conclusions of the Ogunquit Comprehensive Plan Review Committee in 1983 was that Ogunquit's public water supply and system, provided by the Kennebunk, Kennebunkport, and Wells Water District, were inadequate and in need of improvement. One of the more significant facts giving rise to this conclusion is the fact that there is a real and present danger that at least one area of Town, which has inadequately sized water mains, insufficient fire hydrants and numerous dead-ended mains which should be cross connected, is without adequate public water to permit effective fire control. This fact is buttressed by the results of past and recent "fire flow tests". It is the purpose of this ordinance to prohibit further development in that area of Town, which would have the effect of further weakening the current inadequate water flow, until the Water District completes its currently planned improvements to that area, anticipated to be in 1985, unless a developer is able to show that he will have access to an adequate source and flow of water to protect existing structures as well as the new development against the dangers of fire.

5.A.1.c Authority

This ordinance is enacted pursuant to the authority delegated to the Town by M.R.S.A. Art. VIII, Pt. 2, Sec. 1, 30 M.R.S.A. Sec. 1917 and 30 M.R.S.A. Sec. 2151.

5.A.2 Definitions

Development shall mean any construction requiring or proposing use or increased use of the public water supply and system of the Kennebunk, Kennebunkport, and Wells Water District.

“Problem Area” as used herein means that area of Town shown on the Town's Zoning Map as lying southerly of Israel Head Road and being all that land located in the Zoning Districts known as OFRD, RPD, PCLBD, LBD and those lands located in the RD and GBD Districts lying southerly of the Josias River.

5.A.3 Prohibition

No board, agency, officer, official or employee of the Town shall issue any permit, license or approval for any "Development" in the "Problem Area" unless the applicant demonstrates to the satisfaction of the Ogunquit Code Enforcement Officer after he has consulted with the Ogunquit Fire Chief, that the Development will have available to it, for protection against fire, a sufficient flow of water as determined by the N.F.P.A. booklet on Water Systems and Supplies. Any such permit, license or approval issued in violation hereof shall be void.

5.A.4 Appeals

Any person aggrieved by the decision of the Code Enforcement Officer hereunder may, within thirty (30) days thereafter, appeal such decision to the Ogunquit Board of Appeals which may reverse such decision only upon a finding that the decision was arbitrary, capricious or not supported by the facts presented to it.