

WARRANT FOR SPECIAL TOWN MEETING

OF THE

TOWN OF OGUNQUIT

TO WILLIAM P. HANCOCK, JR., Chief of Police in the Town of Ogunquit, County of York and State of Maine:

GREETINGS:

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Ogunquit, qualified by law to vote in town affairs, to meet in the Dunaway Community Center in said town on Tuesday, the tenth day of May, 1983 A.D. at seven o'clock in the evening to act on Articles 1 through 19.

ARTICLE 1: To elect a Moderator to preside at said meeting.

ARTICLE 2: Shall the Town vote to purchase the lot of land commonly known as "The Jacobs Parking Lot" which is described in Exhibit 1, for \$75,000.00, to be paid through separate mortgage agreements with Mrs. Elizabeth Everson and Mr. John Jacobs with downpayments of \$6,250.00 in 1983 and 1984 and with the remainder to be financed over twenty (20) years at seven (7) percent interest? The total amount to be appropriated from taxation in 1983 is \$8,656.24. Monthly payments beginning in 1984 will be \$484.57.

ARTICLE 3: Shall the Town vote to appropriate \$2,000.00 of parking fine receipts to pay for printing of tickets, postage and collection costs?

ARTICLE 4: Shall the Town vote to appropriate \$1,000.00 of surplus liquor and amusement permit fees for the purchase of a sound level calibrator, the calibration of our model 1565-B sound level meter and the costs of training Police officers and the Code Enforcement Officer in the use of sound measuring equipment?

ARTICLE 5: Shall the Town vote to transfer \$1,000.00 from the Fire department budget to the Code Enforcement budget? This \$1,000.00 was to be raised through liquor and amusement permit fees and is to cover the costs of inspections.

ARTICLE 6: Shall the Town vote to transfer \$1,250.00 from the Information Bureau Removal Account (Article 25-Annual Town Meeting) to an Obed's Lane Development Account?

ARTICLE 7: Shall the Town vote to transfer \$751.00 from the General Fund to the Obed's Lane Development Account? This money was raised from the sale of the Information Bureau.

ARTICLE 8: Shall the Town vote to raise and appropriate \$3,200.00 for Police Patrol of the Jacobs Parking Lot?

ARTICLE 9: Shall the Town vote to raise and appropriate \$2,500.00 to add to the General Government Administrative Account for supplies, equipment and administrative costs?

ARTICLE 10: Shall the Town vote to raise and appropriate \$2,500.00 for Assessing Services performed in 1982?

ARTICLE 11: Shall the Town vote to raise and appropriate \$1,500.00 for Retirement Benefits for Town Employees? This request is due to a negotiated change in employee retirement plans.

ARTICLE 11: Shall the Town vote to set the Beach Fund at a balance of not less than \$100,000.00 to be used only in emergencies, and then only for beach related emergencies.

NOTE: This amount will be placed on deposit and at interest. The interest will only be used by action of a Town Meeting. If principal is to be used for an emergency, such use is to be by action of a Town Meeting. Principal used is to be restored immediately from the subsequent year's anticipated beach revenues.

1983 opening fund balance will be from a Certificate of Deposit of 1982 unappropriated Beach Fund revenues of \$56,000. plus accrued interest of \$1,454.31; an amount due from the General Fund of \$7,229.91 (included in that funds liability;) all totalling unappropriated Beach Fund revenues.

The anticipated revenues appropriated for 1982 were \$120,657.; the actual revenues were \$176,428. The use of anticipated revenues for 1983 totals \$161,000. (approved in articles in the Annual Warrant.)

An additional intent of this article is to eliminate the \$98,092.13 interfund amount which arose as a result of a comingling of 1981 funds. Any other elimination would result in an assessment to the taxpayers.

ARTICLE 13: Shall the Town vote to amend Section 404.1, Title IV, Public Resources and Conservation Ordinance, of the Ogunquit Municipal Code as voted at the Annual Town Meeting of March 5, 1983 to read:

"404.1: that no motel, hotel, or rooming house shall have season passes except those located easterly of the Ogunquit River estuary, shall be permitted to purchase season passes for rental units (all or none basis) at fifty (50) dollars each."

ARTICLE 14: Shall the Town of Ogunquit vote to amend the first sentence of Section D, page 18 Building Permit, of the Zoning Ordinance of the Town of Ogunquit adopted March 1976, as amended April 2, 1979 and March 6, 1982 as follows:

"Buildings or structures shall not be erected, moved, added to, or internally or externally altered if the cost of such changes exceed Five Hundred (\$500) Dollars of fair market value, unless a permit, therefore, has been issued by the Code Enforcement Officer."

And page 3 of the Ogunquit Building Code, Section 109-B, Permits Required, to be consistent with the Zoning Ordinance as follows:

"A permit shall be required for making external or internal repairs and additions, and for reconstructing or enlarging any dwelling, building or mobile home if the cost of a project, under this provision exceeds a total of Five Hundred (\$500) dollars at fair market value."

ARTICLE 15: Shall The Town of Ogunquit vote to adopt Chapter 2, Section 7 of the Ogunquit Zoning Ordinance titled Flood Hazard, Building Permit System and Review Procedures? (The text of the proposed amendment is appended as Exhibit 2.)

ARTICLE 16: Shall the Town vote to amend Chapter 2, Section 1, Article F (noise abatement) of the Ogunquit Zoning Ordinance? (The text of the proposed amendment is appended as Exhibit 3.)

ARTICLE 17: Shall the Town vote to adopt Section 405.2 of Title IV, Chapter 4 of the Ogunquit Municipal Ordiances to read as follows:

"The Selectmen may grant a permit for extension of Beach hours to a bonafide nonprofit organization for a specific event, such a permit shall stipulate specific date, time, location and any conditions that the Board may choose to impose."

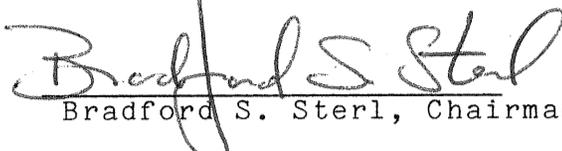
ARTICLE 18: Shall an ordinance entitled "Regulation of hours of Public Beaches", Title IV, Chapter 4, 405, be revised to read in its entirety as follows:

"A section of Ogunquit Beach closed during certain hours. A section of Ogunquit Beach from a marker located at the northern end of the Norseman Motor Inn to the Wells-Ogunquit boundry with a depth of 200 feet running inland and parallel to Beach Street, shall be closed to the public from 11:00 P.M. to 5:00 A.M. during the month of May through October of each year."

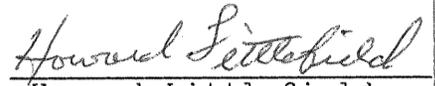
Any person found on the aforementioned section of Beach in violation of this ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed One Hundred (\$100) Dollars for each violation. Fines collected hereunder shall be recovered for the use of the Town of Ogunquit".

ARTICLE 19: Shall an ordinance entitled "Entertainment Licensing Ordinance" be enacted to become Chapter 3 of Title IX of the Town of Ogunquit Municipal Ordinances? (The text of the proposed article is appended as Exhibit 4.)

The Board of Selectmen hereby give notice that the meeting will be held at seven o'clock in the evening of said day. Given under our hands this third day of May, 1983, A.D.

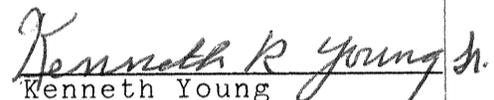

Bradford S. Sterl, Chairman

John Miller


Howard Littlefield

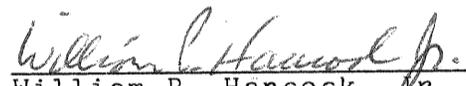
TOWN OF OGUNQUIT
BOARD OF SELECTMEN

William P. Hancock, III


Kenneth Young

In the Town of Ogunquit, County of York and State of Maine, as:

Pursuant to warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the third day of May, 1983, A.D. a copy of the within Warrant at Dunaway Community Center, Ogunquit Post Office and The Village Food Market, those being three public and conspicuous places in said Town.


William P. Hancock, Jr.
Chief of Police
Town of Ogunquit

A TRUE COPY
ATTEST:

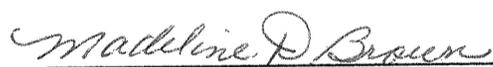

Madeline D. Brown, Clerk
Town of Ogunquit

EXHIBIT 2

SECTION VII FLOOD HAZARD BUILDING PERMIT SYSTEM & REVIEW PROCEDURES

A. ESTABLISHMENT

1) Compliance

The Town of Ogunquit, Maine, elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that flood plain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Ogunquit.

2) Identification of Areas

The areas of special flood hazard identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Ogunquit in the County of York, Maine" with accompanying "Flood Insurance Rate Map", and "Flood Boundary and Floodway Map", dated October 5, 1982, as amended, is hereby adopted by reference and declared to be a part of this Ordinance.

B. DEFINITIONS

1) Definitions

- a) Area of Special Flood Hazard: means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance studies cited in Article 1 of this Ordinance.
- b) Base Flood: means the flood having a one percent chance of being equalled or exceeded in any given year.
- c) Development: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

- d) Structure: means a walled and roofed building, including storage tanks and mobile homes, that is principally above ground.
- e) Substantial Improvement: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.
- f) Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- g) Flood Insurance Rate Map: means the official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Ogunquit.

C. PERMIT REQUIRED

1. Permit

Before any development (as defined in Section 2) begins within any areas of special flood hazard established in Section 1, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Ogunquit.

D. APPLICATION FOR PERMIT

1. Submittal

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

- a) The name and address of the applicant.

- b) An address or a map indicating the location of the construction site.
- c) A site plan showing location of existing and proposed structure(s), sewage disposal facilities, water supply facilities, areas to be cut and filled and the dimensions of the lot.
- d) A statement of the intended use of the structure(s)
- e) A statement of the type of sewage system proposed.
- f) Dimensions of the proposed structure(s) length, width and height.
- g) The elevation (in relation to mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above.
- h) Base flood elevation date for all new, relocated or substantially improved structures.
- i) The elevation (in relation to mean sea level) to which the structure will be floodproofed.
- j) The description of the extent to which any water-course will be altered or relocated as a result of the proposed development.
- k) The above submittal requirements may be modified by decisions of the Code Enforcement Officer when in his opinion such information is or is not needed to determine the conformance of the proposed construction with this ordinance.

E. PERMIT FEE

1. Fee

A permit fee of Five (\$5.00) Dollars per One Thousand (\$1,000.00) Dollars valuation shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a Professional Engineer.

F. REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

1. Application Review

- a) The Code Enforcement Officer shall:

- 1) Review all applications for Flood Hazard Development Permits to determine that all pertinent requirements of Section 7 (Development Standards) have, or will be met.
- 2) Review all building permit applications to determine that all building sites will be reasonably safe from flooding, and will not be located in a coastal high hazard area, designated as Zones VI-30 on the Community's Flood Insurance Rate Map. Any construction, relocation, replacement or modification of any building sites in the special flood hazard area must be certified by a professional engineer (or architect) registered in the State of Maine as being reasonably safe from flooding and must:
 - a) be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure;
 - b) use construction material and utility equipment that are resistant to flood damage, and
 - c) use construction methods and practices that will minimize flood damage.
- 3) Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study, Ogunquit, Maine, York County", as described in Section 1. In special flood hazard areas where base flood elevation data are not provided in the above-cited study, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood data available from federal, state or other sources in order to administer Section 7, 1-A.2 of this Ordinance;
- 4) Make interpretations of the location of boundaries of special flood hazard areas shown on maps, described in Section 1 of the Ordinance;
- 5) In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state and local government agencies from which prior approval is required;

- 6) Notify adjacent municipalities, the Department of Inland Fisheries & Wildlife and the Maine Bureau of Civil Emergency Preparedness prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency; and,
- 7) Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 9 of this Ordinance.

G.

DEVELOPMENT STANDARDS

1. Applicable Standards

- a) In areas of Special Flood Hazard, exclusive of floodways and coastal high hazard areas designated as Zones V1-V30 on the Community's Flood Insurance Rate Map, all development shall meet the following applicable standards:
 - 1) All development, as defined in Section 2, shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any water course.
 - 2) New structures, relocation or substantial improvement of existing residential structure shall be allowed, provided that the lowest floor (including basement) shall be elevated to or above base flood elevation. Mobile homes and modular homes shall be allowed, provided that the pad is elevated to or above base flood elevation.

Non-residential structures shall be elevated to or above base flood elevation or be floodproofed so that the design of that portion of the building that is below base flood elevation shall be certified by a registered professional engineer to be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- 3) In order to minimize flood damage, construction methods and practices shall meet the following standards:
 - a) structures shall be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure;
 - b) construction material and utility equipment shall be resistant to flood damage;
 - c) all new and replacement water supply systems and on-site waste disposal systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and to avoid impairment of these systems; and
 - d) electrical, gas and other utilities shall be located and constructed to minimize flood damage.
- 4) Mobile homes proposed to be located in Zone A of the Flood Insurance Rate Map shall be anchored to resist flotation, collapse or lateral movement by:
 - a) over-the-top ties anchored to the ground at the four corners of the mobile home plus two additional ties per side at intermediate locations (except that mobile homes less than 50 feet long require only one additional tie per side
 - b) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (except that mobile homes less than 50 feet long require only four additional ties per side).
 - c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds and all additions to the mobile homes shall be similarly anchored as specified in Section 1910.3 of the National Flood Insurance Program Rules & Regulations as passed.
- 5) The Planning Board may adopt any reasonable regulations that are consistent with and in furtherance of the objectives of Section 7 that they deem necessary for the proper enforcement of said sections and which are consistent with State law.

- b) In Floodways, designated on maps prepared by the Federal Emergency Management Agency, all encroachments (including fill, new construction, substantial improvements and other developments) are prohibited.
- c) In Coastal High Hazard Areas, designated as Zones V1-30 on the community's Flood Insurance Rate Map, residential, commercial and industrial structures shall be prohibited. In addition:
 - 1. All substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above base flood level. A registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
 - 2. All substantial improvements shall have the space below the lowest floor free of obstructions or constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure of abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation.
 - 3. The use of fill for the structural support of buildings is prohibited.
 - 4. Man-made alterations of sand dunes which would increase potential flood damage is prohibited.

H. REVIEW OF SUBDIVISION PROPOSALS

1. Planning Board Review

- a) The Planning Board shall, when reviewing subdivisions under 30 M RSA Section 4956 and any locally adopted additional subdivision regulations or local shoreland and townwide zoning, assure that:
 - 1) All such proposals are consistent with the need to minimize flood damage.

- 2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed in accordance with the standards in this ordinance.
- 3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- 4) Base flood elevation data shall be provided by the developer.
- 5) For mobile home subdivisions or mobile home parks, located in Zone A of the Flood Hazard Boundary Map, an evacuation plan is filed with the State Bureau of Civil Emergency Preparedness indicating alternate vehicular access and escape routes.
- 6) No portion of any lot which is in a coastal high hazard area, designated as Zones V1-V30 on the Community's Flood Insurance Rate Map, shall be used for residential, commercial or industrial structures.

I. APPEALS AND VARIANCES

1. Appeals

The Board of Appeals of the Town of Ogunquit, may, upon written application of an aggrieved party, hear and decide upon appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. The Board of Appeals may reverse the decision of the Code Enforcement Officer only upon a positive finding that the decision was contrary to specific provision of the Ordinance.

2. Interpretation and Variance

The Board of Appeals may interpret the provisions of this Ordinance which are called into question and it may grant a variance in accordance with State law and the following criteria:

- a) Variances may be granted only where strict application of the Ordinance or a provision thereof to the petitioner and his property, would cause undue hardship. The "undue hardship" shall mean:
 - 1) That the land in question cannot yield a reasonable return unless a variance is granted.

- 2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
 - 3) That the granting of the variance will not alter the essential character of the locality
 - 4) That the hardship is not the result of action taken by the applicant or a prior owner.
- b) A variance shall be based on a determination made by the Board with the assistance of a registered professional engineer, if need be, that the granting of a variance will not result in increase flood heights, additional threats to public safety extraordinary public expense, nuisances, fraud or victimization of the public or conflicts with existing local ordinances.
- c) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. In making its determination, the Board shall consider:
- 1) The danger to life and property due to increased flood heights or velocities caused by encroachments;
 - 2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - 3) The proposed water supply and sanitary systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
 - 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - 5) The importance of the services provided by the proposed facility to the community;
 - 6) The requirement of the facility for a waterfront location;
 - 7) The availability of alternate locations not subject to flooding for the proposed use;

3) Validity and Severability

If 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.

4) Conflict with Other Ordinances

This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rules, regulations, by-law, permit or provision of law. Where one ordinance imposes a greater restriction upon the use of land, buildings or structures than another ordinance, the provisions of the stricter ordinance shall control.

5) Effective Date

The effective date of this Ordinance is May 10, 1983.

- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- 9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- 10) The safety of access to the property in times of flood of ordinance and emergency vehicles;
- 11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- 12) Such other factors which are relevant to the purposes of this Ordinance.

Reasonable conditions may be attached to all variances granted.

- d) No variance shall be granted to allow a residential, commercial or industrial structure in a coastal high hazard area designated as Zones V1-V30 on the Community's Flood Insurance Rate Map.

J. ENFORCEMENT

1. Notice

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

2. Legal Action and Penalty

When the above action does not result in the correction or abatement of the violation, the Municipal Officers upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions, whether legal or equitable, necessary to the enforcement of this Ordinance. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be subject to a fine of One Hundred (\$100.00) Dollars for each violation. Each day such a violation is continued is a separate offense. Fines shall be paid to the Town of Ogunquit.

F. NOISE ABATEMENT

- 1) Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittance, beat frequency, shrillness, or volume.
- 2) The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limits Measured in
Decibels

	7 a.m. - 10 p.m.		10 p.m. - 7 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
Business Districts	60	72	50	62
Other Districts	55	67	45	57

- a. The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one day.
 - b. Both the dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this ordinance.
- 3) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1. 4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1. 2-1962 "American Standard Method for the Physical Measurement of Sound."
 - 4) No person shall engage in, cause, or permit to be engaged in very loud construction activities on a site abutting any residential use between the hours of 10 p.m. one day and 7 a.m. of the following day. Construction activities shall be subject to the maximum permissible sound level specified for business districts for the periods within which construction to be completed pursuant to any applicable building permit. The following uses and activities shall be exempt from the sound pressure level regulations:
 - a. Noises created by construction and maintenance activities between 7 a.m. and 10 p.m.
 - b. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.