

**WARRANT
FOR THE
NOVEMBER 8, 2016 SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

TO: **PATRICIA L. ARNAUDIN**, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on **Tuesday, the eighth (8th) day of November 2016**, A.D. at eight o'clock in the morning (8:00 a.m.) until eight o'clock in the evening (8:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

Article 1: To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.]

Article 2: Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

(Article 3 Submitted by Petition)

Article 3: Shall the Town (1) vote to approve a Capital Improvement Project consisting of the redesign and repair of the Ogunquit Village School for the purpose of turning it into an **Intergenerational Learning Center and Parks and Recreation Information Center** (the "Project"); (2) appropriate a sum not to exceed \$1,500,000 to provide for the costs of the "Project"; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$1,500,000; and (4) delegate the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 6,942,143
 - b. Bonds authorized and unissued: \$ 275,000
 - c. Bonds to be issued if this Article is approved \$ 1,500,000

2. Costs
- a. At an estimated interest rate of 4.50% for a twenty (20) year maturity, the estimated costs of this bond issue will be:
- | | |
|---------------------|----------------------------|
| Principal: | \$ <u>1,500,000</u> |
| Interest | \$ <u>708,750</u> |
| Total Debt Service: | \$ <u>2,208,750</u> |

3. Validity
- The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
John Quartararo
Town Treasurer

Select Board Recommendation:	\$1,500,000	1 Yes	3 No	1 Abstained
Budget Committee Recommendation:	\$1,500,000	0 Yes	4 No	2 Absent

(Article 4 Submitted by Petition)

Article 4: Shall an ordinance entitled "**An ordinance to restrict the use of private helicopters to approved heliports west of Route #95 only**" be enacted? [Copies of this petition are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk's Office.]

Article 5: Shall the municipality approve the charter modification to **Article I - Grant of Powers to the Town, Section 102 – Powers of the Town, §102.11**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk's Office.]

Change is to clean up the current language regarding recreational facilities.

Article 6: Shall the municipality approve the charter modification to **Article II - Town Meetings, Section 203 – Town Elections, §203.1**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk's Office.]

Article II - Town Meetings, Section 203 – Town Elections, §203.1 [Note: Proposed modification is **bold and underlined**. Language proposed to be removed is indicated by a ~~strikeout~~.]

203.1 TERM LIMITS

Term limits shall be established for all elected members of the Town of Ogunquit Select Board and Budget Review Committee. Term limits

shall consist of two (2) consecutive terms. Limits shall include any term or portion of a term of office. An individual who is affected by the term limit restriction shall be eligible for election to a Board or Committee once a one (1) year period has passed since the restriction took effect.

Article 7: Shall the municipality approve the charter modification to **Article II - Town Meetings, Section 206 – Warrant Article(s) by Petition of Voters**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to keep in line with current State Statute and to clarify the petition process.

Article 8: Shall the municipality approve the charter modification to **Article III - Select Board, Section 308 – Meetings and Voting, §308.2**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to clarify the conflict of interest section of the Charter and to allow a Board member to participate in the public discussion.

Article 9: Shall the municipality approve the charter modification to **Article III - Select Board, Section 310 - Powers of the Select Board, §310.2**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to clarify the section pertaining to removal of Select Board appointments.

Article 10: Shall the municipality approve the charter modification to **Article III – Select Board, Section 310 - Powers of the Select Board, §310.12**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to authorize the Select Board to grant the Town Manager the authority to sign contacts, after Select Board approval.

Article 11: Shall the municipality approve the charter modification to **Article III – Select Board, Section 310 - Powers of the Select Board, §310.16**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to allow for the removal of the Select Board Semi-Annual Report and replace it with the informational packet mailing, which will have the result and status of each article voted on.

Article 12: Shall the municipality approve the charter modification to **Article V – Financial Procedures, Section 504 - Revenue and Expenditures**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Changes are to allow for easier budget transfers throughout the fiscal year. All transfers require a public hearing.

Article 13: Shall the municipality approve the charter modification to **Article V – Financial Procedures, Section 505 – Borrowed Funds**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Changes are to clarify the funds that could be borrowed.

Article 14: Shall the municipality approve the charter modification to **Article V – Financial Procedures, Section 506 – Independent Annual Audit**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to outline the auditing process and to clean up current language in the Charter.

Article 15: Shall the municipality approve the charter modification to **Article VIII– Boards, Committees and Commissions, Section 801 – Town Boards, Committees and Commissions**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change would allow for members of appointed boards to be registered voters, property owners or full time residents of Ogunquit. Also added is to allow registered voters and property owners from adjacent municipalities to be appointed to a board, committee or commission, Ogunquit residents and property owners will be in the majority of any board, committee or commission.

Article 16: Shall the municipality approve the charter modification to **Article VIII– Boards, Committees and Commissions, Section 801 – Town Boards, Committees and Commissions § 801.1**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

To clean up current language.

Article 17: Shall the municipality approve the charter modification to **Article VIII– Boards, Committees and Commissions, Section 803 – Forfeiture of Office**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office]

Change adds the requirement of a public hearing.

Article 18: Shall the municipality approve the Charter modification to **Article IX– General Provisions, Section 909 – Conflict of Interest**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to clarify the conflict of interest section of the Charter and to allow a Board member to participate in public discussion.

Article 19: Shall the municipality approve the charter modification to **Article IX– General Provisions, Section 910 – Appearance of Conflict of Interest**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Change is to clarify the appearance of a conflict of interest section of the Charter and to allow a Board member to participate in public discussion.

Article 20: Shall the municipality approve the charter modifications, not otherwise specified in Warrant Articles **5** through **19**, summarized below? [Copies of these modifications are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

These non-substantive changes are designed to: 1. Make the charter gender neutral; 2. correct typographical errors; 3. clear up ambiguous language; 4. create an improved organization of Articles and Sections; and 5. create a more readable document.

Article 21: Shall an ordinance entitled “**An Ordinance to Amend Title III of the Ogunquit Municipal Code, Public Service Ordinance**” be enacted? [Copies of the Proposed Ordinance are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Article 22: Shall an ordinance entitled “**An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 7 – District Regulations, Land Uses Permitted in Zoning Districts as it relates to Table 702.1, Fences**” be enacted? [Copies of the Proposed Ordinance are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Article 23: Shall an ordinance entitled “**An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 8 – General Standards Applicable to All Land Uses, Section 8.6.C as it relates to Fences**” be enacted? [Copies of the Proposed Ordinance are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office.]

Article 24: Shall an Ordinance entitled “**Title XVII of the Ogunquit Municipal Code, Private Use Helicopters Ordinance**” be adopted? [Copies of the Proposed Ordinance are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office]

Article 25: Shall the Town vote to amend the Building Maintenance Reserve Account, Article 41, which was approved by the voters at the June 14, 2016 Annual Town Meeting, to remove the word “Reserve”?

Article 26: Shall the Town vote to approve a Capital Improvement Project entitled Perkins Cove Improvements consisting of the Replacement of Mooring Chains and/or Repairs to the Footbridge at Perkins Cove and to appropriate the sum of **One Hundred and Twenty Thousand Dollars (\$120,000)** from Undesignated Fund Balance?

Select Board Recommendation: \$120,000 5 Yes 0 No
Budget Committee Recommendation: \$120,000 4 Yes 0 No 2 Absent

Article 27: Shall the Town vote to appropriate the sum of **\$9,439** from **Undesignated Fund Balance** to replenish the **Natural Disaster** Account, which was used to fund an emergency expenditure for **Erosion Repair on the Marginal Way**?

Select Board Recommendation: \$9,439 4 Yes 1 No
Budget Committee Recommendation: \$9,439 4 Yes 0 No 2 Absent

Article 28: Shall the Town vote to allow the Highway Department to plow and sand the following private roads on which the Town holds a recorded public easement, pursuant to the Town of Ogunquit Public Easement Road Policy, adopted by the Select Board on April 5, 2016 and effective July 1, 2016, or as otherwise allowed by Title 23 M.R.S.A. §3105-A, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

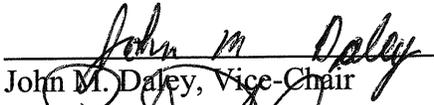
Blue Heron Place	Patridge Drive
Cedar Lane	Towhee Lane
Chestnut Road	Valleybrook Road
Hemlock Lane	Village Highlands
Jothams Lane	Whip-Poor-Will Drive
Kingfield Avenue	Winter Hills Lane
Meadow Lane	Woodland Hills

Article 29: Shall the Town vote to accept Woodland Hills, in accordance with 23 M.R.S.A. §3025, as a Town owned road, which is part of an offer of dedication from Woodland Hills Subdivision, Woodland Hills Homeowners Association, who is the owner of this private road on a plan entitled "Woodland Hills Subdivision, prepared for Jeffrey Walker and William Perkins, PO Box 152, Ogunquit, Maine 03907" and recorded in the York County Registry of Deeds as Book 209, Page 35?

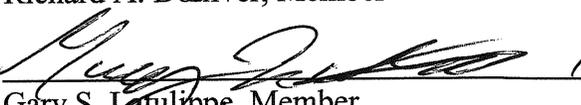
Given under our hands this 4th Day of October 2016, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the Municipal Officers:

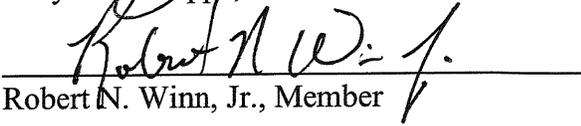
OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


John M. Daley, Vice-Chair

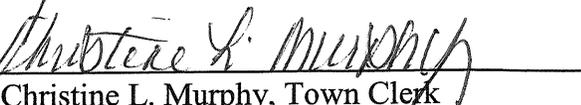

Richard A. Dolliver, Member

 10/4/16
Gary S. Latulippe, Member


Robert N. Winn, Jr., Member

State of Maine
County of York, ss

A True Copy,
Attest:


Christine L. Murphy, Town Clerk
Town of Ogunquit, Maine

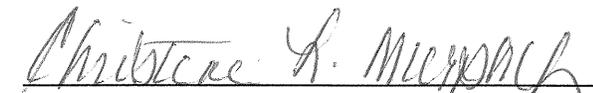
Dated: 10/18/2016



CERTIFICATION NOTICE

A Petition presented by Boriana Dolliver, acting on behalf of citizens of the Town of Ogunquit, to request that the Select Board place an Article on the Special Town Meeting Warrant to be voted on by secret ballot at the next scheduled town meeting was received by the Town Clerk on August 23, 2016 (See attached).

A certification of signatures obtained on said Petition(s) has been completed as of this date. A total of 84 signatures were collected with 80 being declared valid, registered voters. This meets the requirement of ten-percent (10%) of the votes cast in the last gubernatorial election (786/79) held on November 4, 2014.


Christine L. Murphy, Town Clerk/Registrar

Dated: 08/23/2016

Municipality : OGUNQUIT

Page # 1

Petition Name : OVS LEARNING CENTER

Petition Type : LOCAL PETITION

20 Total Number of Signatures on the Page

20 Total Accepted Signatures

0 Total Rejected Signatures

Rejections Reasons

0 DUPLICATE SIGNATURE = DUP

0 INVALID DISTRICT = DIS

0 INVALID PARTY = NE

0 INVALID SIGNATURE = ANO

0 NO SIGNATURE = SIG

0 NOT REGISTERED = NR

0 OTHER = OTH

0 Total Withdrawn Signatures

0 Clerical Correction = CC

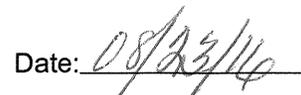
0 Voter Request/SIG. Strikeout = VR

I hereby certify that the names of all the petitioners listed as valid appears on the voting list as registered voters.

Signature of Registrar:



Date:



Municipality : OGUNQUIT

Page # 2

Petition Name : OVS LEARNING CENTER

Petition Type : LOCAL PETITION

20 Total Number of Signatures on the Page

19 Total Accepted Signatures

1 Total Rejected Signatures

Rejections Reasons

0 DUPLICATE SIGNATURE = DUP

0 INVALID DISTRICT = DIS

0 INVALID PARTY = NE

0 INVALID SIGNATURE = ANO

0 NO SIGNATURE = SIG

1 NOT REGISTERED = NR

0 OTHER = OTH

0 Total Withdrawn Signatures

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Signature of Registrar:



Date:



Municipality : OGUNQUIT

Page # 3

Petition Name : OVS LEARNING CENTER

Petition Type : LOCAL PETITION

20 Total Number of Signatures on the Page

19 Total Accepted Signatures

1 Total Rejected Signatures

Rejections Reasons

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0 INVALID PARTY = NE

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1 NOT REGISTERED = NR

0 OTHER = OTH

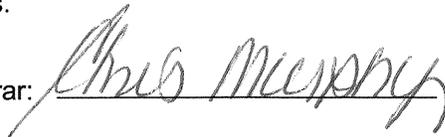
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Signature of Registrar:



Date:



Municipality : OGUNQUIT

Page # 4

Petition Name : OVS LEARNING CENTER

Petition Type : LOCAL PETITION

20 Total Number of Signatures on the Page

18 Total Accepted Signatures

2 Total Rejected Signatures

Rejections Reasons

0 DUPLICATE SIGNATURE = DUP

0 INVALID DISTRICT = DIS

0 INVALID PARTY = NE

0 INVALID SIGNATURE = ANO

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2 NOT REGISTERED = NR

0 OTHER = OTH

0 Total Withdrawn Signatures

0 Clerical Correction = CC

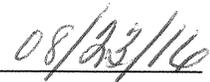
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Signature of Registrar:



Date:



Municipality : OGUNQUIT

Page # 5

Petition Name : OVS LEARNING CENTER

Petition Type : LOCAL PETITION

4 Total Number of Signatures on the Page

4 Total Accepted Signatures

0 Total Rejected Signatures

Rejections Reasons

0 DUPLICATE SIGNATURE = DUP

0 INVALID DISTRICT = DIS

0 INVALID PARTY = NE

0 INVALID SIGNATURE = ANO

0 NO SIGNATURE = SIG

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0 Voter Request/SIG. Strikeout = VR

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Signature of Registrar:



Date:





CERTIFICATION NOTICE

A Petition presented by Barbara Treen, Marilyn Eimon and Wendy Levine, acting on behalf of citizens of the Town of Ogunquit, to request that the Select Board place an Article on the Special Town Meeting Warrant to be voted on by secret ballot at the next scheduled town meeting was received by the Town Clerk on September 13, 2016 (See attached).

A certification of signatures obtained on said Petition(s) has been completed as of this date. A total of 85 signatures were collected with 85 being declared valid, registered voters. This meets the requirement of ten-percent (10%) of the votes cast in the last gubernatorial election (786/79) held on November 4, 2014.


Christine L. Murphy, Town Clerk/Registrar

Dated:

09/14/2016

Municipality : OGUNQUIT

Page # 1

Petition Name : HELICOPTER ORDINANCE

Petition Type : LOCAL PETITION

20 Total Number of Signatures on the Page

20 Total Accepted Signatures

0 Total Rejected Signatures

Rejections Reasons

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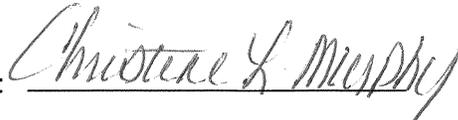
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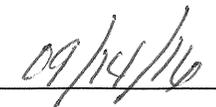
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Date:



Municipality : OGUNQUIT

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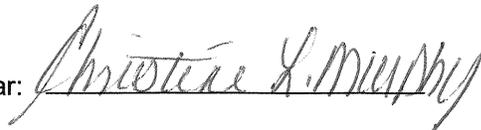
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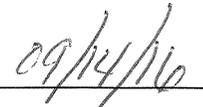
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Municipality : OGUNQUIT

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Signature of Registrar:

Christene L. Murphy

Date:

09/14/16

Municipality : OGUNQUIT

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Signature of Registrar: Christine S. Murphy

Date: 09/14/16

Municipality : OGUNQUIT

Page # 5

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0 Clerical Correction = CC

0 Voter Request/SIG. Strikeout = VR

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Signature of Registrar:

Christere Murphy

Date:

09/14/16

**PROPOSED DRAFT
TOWN OF OGUNQUIT**

TOWN CHARTER

Adopted March 1991

*As Amended & Accepted on November 2, 1993
As Amended & Accepted on November 6, 2001
As Amended & Accepted on April 5, 2003
As Amended & Accepted on June 8, 2004
As Amended and & Accepted on April 5, 2008
As Amended and Accepted on November 4, 2008
As Amended and Accepted on November 3, 2009
As Amended and Accepted on April 6, 2010
As Amended and Accepted on June 14, 2011
As Amended and Accepted on November 6, 2011
As Amended and Accepted on November 5, 2013*

Attest:

A True Copy

Christine K. Murphy
Town Clerk

DATED:

10/18/2010

TOWN OF OGUNQUIT - CHARTER

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PREAMBLE

We, the citizens of the Town of Ogunquit, realizing our responsibilities inherent in the adoption of this Charter, also recognize that strict moral ethics must be practiced by all people, particularly those in positions of authority. These moral obligations require honesty, integrity, and high ethical standards on the part of all elected and appointed officials.

Honest, responsible, dedicated, and transparent leadership in all phases of our community is essential if Ogunquit is to continue to be a better place in which to live.

The Ogunquit Village Corporation was formed in 1913 as a result of the efforts of our forebears. The works of many went into the original Charter; specifically mentioned are Nehemiah P. M. Jacobs, Wilbur F. Cousins, George H. Littlefield, J. Moses Perkins, Edward T. Weare, Samuel J. Perkins and F. Raymond Brewster.

The citizens of Ogunquit appreciate what the charterers and other dedicated people have done through the years to establish, preserve and improve the Town.

The Charter, approved by the legislature of the State of Maine in 1913, has been amended several times since the corporation was born. Times have changed; Ogunquit has changed and grown. On July 1, 1980, Ogunquit officially became a town in the State of Maine pursuant to L.D. 959 as enacted by the State Legislature in June, 1979.

The purpose of this Charter is to clarify the rights and responsibilities of the Town of Ogunquit; to add other rights and responsibilities as required by present needs and by changes in State Statutes; and to assemble all this into a readable, acceptable format. This Charter may be amended in the future, as cause or need requires.

ARTICLE 1 I

GRANT OF POWERS TO THE TOWN

Section 101 INCORPORATION

The inhabitants of the Town of Ogunquit shall, in the collective, constitute a municipal corporation by the name of the Town of Ogunquit. **The Town shall have all the powers possible under the U.S. Constitution and the laws of the State of Maine.**

Section 102 POWERS OF THE TOWN

The Town shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town under the Laws of the State of Maine and the State Constitution.

It may enact by-laws, regulations, and ordinances not inconsistent with the State Constitution and the Laws of the State of Maine, and impose penalties for the breach thereof, not exceeding the maximum amount as established by statute in any one case, to be recovered to the use of said Town by appropriate action.

The Town shall operate under the Town Meeting ~~Selectmen~~ **Select Board**- Manager form of government set forth in this Charter. Under this form of government, the Select Board serves as the Town's executive body, and the Town Manager serves as the ~~Chief Operating Officer~~ **Administrator** to oversee the daily operations of the Town.

The Town shall have all the powers possible for a municipality to have under the State Constitution and the Laws of the State of Maine, including but not limited to the power to:

- 102.1** Elect municipal officials.
- 102.2** Appoint officials or members of boards, commissions and committees.
- 102.3** Establish and maintain a Police Department.
- 102.4** Establish and maintain a Fire Department.
- 102.5** Approve the salaries of those elected and appointed officials receiving compensation.

- 102.6** Lay out, construct, reconstruct, alter, maintain, repair, control and operate roads, streets and ways, sidewalks, Marginal Way, public parks and beaches, public walks, public parking lots, and public wharves and landings.
- 102.7** Contract for public utilities.
- 102.8** Plant, remove, and care for trees in the rights of way of roads and streets, and upon public lands.
- 102.9** Widen, deepen, extend and maintain Flat Pond and the channel of the Josias River between Flat Pond and the sea, hereinafter referred to as Perkins Cove Harbor.
- 102.10** Provide for planning and zoning.
- 102.11** Establish, maintain, ~~conduct,~~ approve, permit and/or finance recreational facilities; and ~~finance recreational facilities;~~ and may charge for the use thereof.
- 102.12** Borrow money and issue bonds within the limits specified by State Laws for municipalities for any purpose for which money may be legally appropriated.
- 102.13** Establish and maintain municipal parking, which may include parking fees.
- 102.14** Regulate the taking of clams.
- 102.15** Maintain real and personal property owned by the Town.
- 102.16** Apply for State, Federal, and other aid grants for the benefit of the Town.
- 102.17** Adopt and modify the official map of the Town.
- 102.18** Acquire real and personal property within or without its corporate limits for any Town purpose, and sell, lease, mortgage, hold, manage, maintain, and control such property as its interests may require in accordance with Title 30-A MRSA.
- 102.19** Accept contributions of personal property and monetary contributions to be used as the Town determines.

Section 103 INTERGOVERNMENTAL RELATIONS

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, states, or civil divisions or agencies thereof, or the United States government or agency thereof.

ARTICLE 2 II

TOWN MEETINGS

Section 201 PURPOSE

The purpose of Town Meetings is to allow voters to exercise their powers under the Town Meeting-~~Selectmen~~ **Select Board**-Manager form of government and to provide for the election of municipal officials and other elected officials, appropriation of funds, approval of warrants, adoption of ordinances and any other business that may legally come before the meeting.

Section 202 QUALIFICATION OF VOTERS AND DEFINITION OF RESIDENT VOTERS

202.1 Eligibility of voters shall be as determined by the Statutes of the State of Maine.

202.2 Resident Voter shall be defined as:

A person who appears on the Town's voter registration rolls maintained by the office of the Town Clerk certifying eligibility to vote in the Town in local, State and national elections, having listed in such rolls the name and place of domicile (home address) located within the border of the Town. ~~in which he/she has lived a minimum of six (6) months and one (1) day.~~

202.3 Domicile shall be defined as:

That place where an individual has his/her true, fixed and permanent home and principal establishment and to which whenever he/she is **temporarily** absent has the intention of returning.

Section 203 TOWN ELECTIONS

Provisions of the Laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of elected officials and all other particulars respective to preparation for, conduct of and management of elections, as far as they may be applied, shall govern all Town elections except as otherwise provided in this Charter. Title 30-A, MRSA as amended shall govern the manner of voting in Town elections, provided that all voting shall henceforth be conducted by secret ballot pursuant to the provisions of Section 2528 thereof. In addition, voting on budgetary matters shall be conducted in accordance with the provisions of Section 503 of this Charter.

203.1 TERM LIMITS

Term limits shall be established for all elected members of the Town of Ogunquit Select Board and Budget Review Committee. Term limits shall consist of two (2) consecutive terms. Limits shall include any term or portion of a term of office. An individual who is affected by the term limit restriction shall be eligible for election to a Board or Committee once a one (1) year period has passed since the restriction took effect.

Section 204 PROCEDURES

The Annual Town Meeting shall be held on the second Tuesday of June. Notice of a Town Meeting, to include a specimen ballot, shall be conspicuously posted in at least three (3) public places and on the town website (townofogunquit.org), at least thirty (30) calendar days in advance of the voting day. Notice of the meeting shall also be posted on the public access channel (WOGT) at least thirty (30) calendar days in advance of the voting day.

Town Meetings shall be initiated and conducted in the manner provided by applicable State Statutes. A quorum for the purpose of conducting the business and exercising all the powers of the Town Meeting shall consist of a number of eligible votes cast equal to at least twenty-five percent (25%) of the number of eligible votes cast in the Town at the last gubernatorial election.

Section 205 SPECIAL TOWN MEETINGS

The Select Board may call a Special Town Meeting whenever deemed necessary or on petition of the voters. If the Select Board unreasonably refuses to call a Special Town Meeting, it may be called by a Notary Public in the County 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.

Notice of a Special Town Meeting, to include a specimen ballot, shall be conspicuously posted in at least three (3) public places and on the town website (townofogunquit.org), at least thirty (30) calendar days in advance of the voting day. Notice of the meeting shall also be posted on the public access channel (WOGT) at least thirty (30) calendar days in advance of the voting day; and in compliance with applicable State Statutes. A quorum for a Special Town Meeting shall be twenty five percent (25%) of eligible votes cast in the Town at the last gubernatorial election.

Section 206 WARRANT ARTICLE(S) BY PETITION OF VOTERS

Article(s) for the Warrant of any Town Meeting may be requested of the Select Board. **The article(s) may be inserted in the Warrant of an Annual or Special Town Meeting upon receipt of 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 less than ten (10). If a petitioned article calls**

~~for an illegal act, the Select Board may refuse to put it on the warrant since it would not be effective if adopted. If the Select Board “unreasonably refuses” to place a petitioned article on the warrant petitioners may seek relief from a notary public in accordance with 30-A MRSA §2521(4). If the Select Board declines, the article(s) shall be inserted in the Warrant of an Annual or Special Town Meeting upon 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.~~

ARTICLE III

SELECT BOARD

The duty of the Select Board is to execute the will of the people, to manage Town affairs, to protect and maintain the assets of the Town and to provide leadership and oversight on issues of importance to the Town.

Section 301 COMPOSITION

The Select Board shall consist of five **(5)** members elected by voters of the Town, and shall constitute the Executive Branch of the Town government.

Section 302 QUALIFICATIONS AND ELIGIBILITY

- 302.1 Only registered voters of the Town shall be eligible to hold office on the Select Board.
- 302.2 Select Board members shall not hold any other compensated Town office or position of employment and shall not have contractual business relationships with the Town.
- 302.3 Candidates for office shall be nominated by the filing of nomination papers with the Town Clerk signed by a minimum of twenty-five (25) not less than 25 nor more than 100 signatures of registered voters of Ogunquit.

Section 303 ELECTION AND TERM OF OFFICE

- 303.1 Select Board members shall be elected for a term to commence upon conclusion of the Annual Town Meeting. Election shall be for a three **(3)** year term, unless elected to fill an unexpired term.
- 303.2 Each Select Board member shall serve until a successor is elected and qualified. Vacancies, which may occur, are covered in Section 309 of this Charter.

Section 304 COMPENSATION

- 304.1** Members of the Select Board shall each receive annual compensation for their services as approved at the ~~a~~Annual Town Meeting.
- 304.2** Members serving unexpired terms shall be paid on a prorated basis for time served.
- 304.3** The Town Treasurer shall make payment for all services under this Section annually after the Annual Town Meeting and only after completion of the year's service.
- 304.4** Members shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.

Section 305 INDUCTION INTO OFFICE

All elected Select Board members shall be sworn to the faithful discharge of their duties by the Town Clerk or Notary Public at the conclusion of the Annual or Special Town Meeting or as otherwise legally required.

Section 306 ORGANIZATIONAL MEETING

- 306.1** At the next regular meeting following the Annual Town Meeting, members of the newly constituted Select Board shall meet to elect, by secret ballot, a Chairperson and Vice Chairperson.
- 306.2** The positions of Chairperson and Vice Chairperson are offices of merit rather than seniority. The Select Board shall endeavor to elect officers whose previous work on the Select Board, or other Town boards or committees, indicates an ability to lead, manage and work toward consensus.
- 306.3** A member of the Select Board shall place in nomination him/herself or another Select Board member for the position of Chairperson of the Select Board. Each nomination requires a second. All members of the Select Board shall vote by secret ballot for one of the names placed in nomination for the position of Chairperson. The name of the person for whom each member votes shall be written down on a piece of paper and handed by each Select Board member to the Town Clerk. The Town Clerk shall count the votes and declare the person with a majority of the votes the winner of the election for the Chairperson of the Select Board.
- 306.4** The same procedure as in Article 306.3 shall be followed for the election of the Vice Chairperson of the Select Board.
- 306.5** Both the Chairperson and Vice Chairperson shall serve a term of one year.

Section 307 CHAIRPERSON

The Chairperson or, in his ~~or~~ / her absence, the Vice Chairperson shall preside at all regular meetings of the Select Board and is responsible for the legal and orderly transaction of Select Board business at all regular and special meetings.

- 307.1** The Chairperson shall conduct impartial and orderly discussions and exercise his ~~or~~ / her vote in Town affairs as a regular member of the Select Board. The Chairperson shall be recognized as head of Town government for all ceremonial purposes, and by the Governor for purposes of military law, but he ~~or~~ / she shall have no regular administrative duties.
- 307.2** The Chairperson is responsible for calling special meetings of the Select Board when such meetings are warranted.
- 307.3** In the temporary absence or disability of the Chairperson and Vice Chairperson, the Select Board may elect, from among its members, a Chairperson pro tempore, who shall exercise all powers of the Chairperson during the temporary absence or disability of the Chairperson and Vice Chairperson.
- 307.4** The Select Board, after a public hearing, may replace the Chairperson and/or Vice Chairperson at any time, by a secret ballot vote of four (4) members for a full Board and a majority vote if less than a full Board.

Section 308 MEETINGS AND VOTING

308.1 Meetings

- A.** The Select Board shall meet a minimum of once a month.
- B.** Meetings shall be conducted according to the most recent edition of Robert's Rules of Order.
- C.** The Select Board may meet in executive session only upon the publicly recorded vote of three-fifths (3/5) of the members present and voting. A motion to go into executive session shall indicate the precise nature of the business of the executive session, and no other matter shall be considered in that particular executive session. Final action on any matter taken up in such closed sessions, except those matters which are permitted or required by law to be acted upon in closed sessions, shall not be taken by the Board until such matter is placed on the agenda of a regular or special meeting and voted upon thereafter.
- D.** Except as noted in Section 308.1-~~3~~ C. above, all meetings and workshops of the

Select Board shall be open to the public.

- E. All regularly scheduled Select Board meetings shall be televised on WOGT, and Select Board workshops shall also be televised on WOGT to the extent possible.

308.2 Quorum and Voting

~~308.1.1A.~~ A quorum of the Select Board for the transaction of any business shall consist of at least three (3) members.

~~308.1.2B.~~ Passage, adoption or enactment of any item shall require three (3) votes on the prevailing side.

~~308.1.3C.~~ Each Select Board member in attendance shall vote on all issues and questions presented for a vote except when a valid conflict of interest or the appearance of a conflict of interest clearly exists, in which case, the member must disclose the interest and abstain. ~~Otherwise, members in attendance will vote in one of the following responses, in favor, against or present. A member voting present will be considered part of the quorum.~~ The record will show votes in favor, against and present abstention.

~~308.1.4D.~~ A member with a conflict of interest or the appearance of a conflict of interest shall ~~recuse~~ disclose the interest and recuse him ~~or~~ herself and shall ~~leave the room~~ move to the public section area until such time as the matter involving the conflict of interest is closed and the Select Board is ready to move to the next item on the agenda. In no case shall an abstaining Select Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has abstained; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.

308.3 Record Keeping and Journal

- A. The Select Board shall keep accurate permanent records of its meetings and these records shall be maintained at the Town offices and/or on the Town website. Said records shall be available to the public.
- B. The Select Board shall also keep recordings of its meetings and these recordings shall be maintained at the Town offices for one year after the meetings. These recordings shall be available to the public.

308.4 Training

Select Board members shall receive training on boardsmanship, *Robert's Rules of Order* and municipal governance as provided by the Maine Municipal Association and may participate in other training opportunities at Town expense and the Select Board's discretion.

Section 309 VACANCIES: FOREITURE OF OFFICE; FILLING VACANCIES

309.1 Vacancies

The office of a Select Board member shall become vacant upon:

failure to qualify for office within ten (10) days after written demand by the Town Clerk; non-acceptance; resignation; death; removal of domicile from the Town limits; removal in a manner authorized by law or this Charter; or forfeiture of office.

309.2 Forfeiture of Office

At any time during a term, a member shall forfeit office by an affirmative vote of at least three (3) Select Board Members for any of the following reasons:

- A. Lack of any qualifications for the office as prescribed by this Town Charter or By State law.
- B. Violation of any express prohibition of the Town Charter.
- C. Conviction of a crime punishable by imprisonment for more than thirty (30) days, whether or not such imprisonment actually occurs.
- D. Member of the Select Board who has three (3) consecutive unexcused absences from that Select Board's Meetings (including regular and special meetings) or has been absent, without excuse, from twenty percent (20%) or more of the Select Board's regular and special meetings during the prior twelve (12) month period shall be deemed to have created a vacancy, resulting in the loss of membership on the Select Board and shall be replaced. The Recording Secretary shall be responsible for maintaining accurate attendance records. An absence shall be excused only by a majority vote of the remaining Members in attendance at the Meeting from which the Select Board Member is absent. The absent Select Board Member shall provide a reason for his/her absence to the Chairperson prior to the Meeting. The Chairperson shall share that reason with the other Members in attendance.

309.3 Filling of Vacancies

- A. If for any reason a vacancy occurs in the membership of the Select Board more than seventy (70) calendar days prior to the next ~~a~~Annual Town Meeting, the vacancy shall be filled at a Special Town Meeting for the unexpired portion of the term.

In the event such vacancy occurs less than seventy (70) calendar days prior to the next ~~a~~Annual Town Meeting, the vacancy is to be filled for the unexpired portion of the term at the next Annual Town Meeting. Any such special election shall be conducted in accordance with the statutes of the State of Maine. When an election is being held to fill an unexpired term at the same time as a general election to fill other Select Board positions, all positions shall be considered "At Large", with the candidates receiving the highest vote totals elected to the longest terms.

- B. In the event of a tied election result, the Select Board shall schedule a special run-off election to be held within sixty (60) days.
- C. In the event of multiple vacancies totaling three (3) or more at one time, a special election shall be called within thirty (30) calendar days. During the period prior to the special election, the Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals, and the Chairperson of the Board of Assessment Review successively shall serve on the Select Board to make a quorum.

Section 310 POWERS OF THE SELECT BOARD

The Select Board shall act as a unit settling all questions by formal vote in authorized meetings. Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Select Board. A formal minority report may be issued by Select Board members voting in the minority. Without limitation, the Select Board shall have the power to:

- 310.1** Appoint and remove the Town Manager, ~~the~~ Town Tax Collector, ~~the~~ Town Attorney, ~~the~~ Town Assessor or Certified Public Assessor, ~~the~~ Auditor, ~~the~~ Health Officer, and the Director of Emergency Management.
- 310.2** Appoint, remove or provide for the election of such officials and members of boards, commissions and committees as ordinances and statutes may require. All appointments shall be in writing and signed by the Select Board. The Select Board shall have the power to remove for cause after notice and hearing those appointees over whom they have jurisdiction, to the extent required by state law and/or this Charter. Forfeiture of office of an appointment to a board, commission or committee shall be governed by the provisions of Section 803 of this Charter.

~~Appointments may be removed by the Board under the provisions of Section 804 of this Charter.~~

- 310.3** Appoint any individual or committee to assist the Select Board with any aspect of Town government, e.g., long-range planning or special projects.
- 310.4** Set the salary, subject to budget adoption, of those appointed by the Select Board.
- 310.5** Oversee, monitor and account for the appropriations and sign the Warrant certifying all disbursements of Town funds.
- 310.6** Prepare, or provide for the preparation of, the Warrant for the Annual and Special Town Meetings and the Annual Town Report.
- 310.7** Expend funds as authorized by the voters at the Annual Town Meeting or Special Town Meetings.
- 310.8** Enact, unless otherwise provided by State statute, ordinances to be effective for a maximum of ninety (90) calendar days to meet emergencies or contingencies. Such ordinances shall not be renewable and shall not become regular or permanent until adopted by vote at the Annual or Special Town Meeting.
- 310.9** Ensure compliance of all ordinances through its designated enforcement agents.
- 310.10** Provide for an independent annual audit.
- 310.11** Require a bond from a surety company for all persons trusted with the collection, custody or disbursement of any of the monies of the Town. The premiums on said bonds shall be paid by the Town.
- 310.12** Enter into and execute contracts on behalf of the Town concerning matters authorized by Town Charter, Town Meetings or State statutes. Designate the Town Manager to sign and execute contracts, in accordance with the Town's purchasing policies, with the exception of union contracts, on behalf of the Town by a vote of the Select Board.

The designation may be for an indefinite term contiguous with the Town Manager's term of office.

A written record of all action taken shall be signed by the Select Board and maintained by the Town Clerk.

The Select Board may by majority vote suspend or rescind the designation of

the Town Manager to sign and execute contracts.

- 310.13** Authorize legal activity on behalf of the Town.
- 310.14** Adopt and abide by management, administrative and personnel policies.
- 310.15** Act on other powers or duties permitted by Maine State statutes.
- 310.16** The Select Board shall issue a **Results of Annual Town Meeting Information packet** ~~written Mid-Year Report~~ each ~~February~~ **January** updating the citizens of the Town on the Articles passed at the last Annual Town Meeting and any subsequent Special Town Meetings. ~~This report shall also summarize the important activities and issues currently before the Select Board. The Mid-Year Report shall cover the first six (6) months of the current Fiscal Year.~~ **This Report shall be the Information Packet mailed out prior to Annual Town Meeting and/or Special Town Meeting, if applicable, with the results and status of each article voted on at the Annual Town Meeting and any subsequent Special Town Meeting**

~~Notice of this report shall be given seven (7) calendar days prior to its issuance. Notice shall be posted in three (3) conspicuous places and on the community public access channel (WOGT). This "Town of Ogunquit Mid-Year Report" shall be posted on the town website (townofogunquit.org) and copies shall be available in Town Hall. The first item on the agenda at the Select Board's meeting following the "Mid-Year Report" shall be a public forum for questions and comments.~~

- 310.17** Adopt an annual budget and recommend it to the Town Meeting for approval.
- 310.18** Inquire into the conduct of any office, department or agency of the Town through the Town Manager and to conduct investigations as deemed necessary.
- 310.19** Provide oversight, liaison and leadership to the volunteer committees and advisory groups that serve at the **Select** Board's pleasure. No Select Board member shall serve as a voting member of a committee or advisory group.
- 310.20** Remove or suspend the Town Manager for cause, in accordance with the procedure outlined in Article 4, Section 407.

Section 311 PROHIBITIONS

311.1 Appointments and Removals

Neither the Select Board nor any of its members shall dictate the appointment or removal of any administrative officers or employees whom the Town Manager or

other persons in authority are empowered to employ.

311.2 Interference with Administration

Select Board members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager, or other persons in authority, solely through the Town Manager. Select Board members shall not give orders to or influence any officer, employee or citizen of the Town either publicly or privately.

Section 312 SELECT BOARD SHALL BE JUDGE OF ELECTIONS

312.1 The Select Board shall decide any disputes as to elections or the eligibility of those elected as Municipal Officials. It shall have the power to subpoena witnesses and require the production of records. The decision of the Select Board in any such case shall be subject to court review under appropriate Maine statutes, hereafter referred to as the "Board" unless otherwise noted.

ARTICLE IV

TOWN MANAGER

Section 401 QUALIFICATIONS

401.1 The Select Board shall appoint a Town Manager as the ~~chief operating officer~~ Administrator of the Town on the basis of character, executive leadership, administrative qualifications, education, and experience in municipal administration. Experience in project planning and operation is desirable.

401.2 The Town Manager need not be a resident of the Town at the time of appointment and may reside outside the Town while in office, provided that the Select Board in office at the time of the appointment approves, by majority vote, said approval not to be rescinded during the Town Manager's term of office.

Section 402 SELECTION AND APPOINTMENT PROCESS

The Select Board shall appoint a Town Manager for a specific term, as specified by contract, the first six months of which shall be probationary. The procedure leading to the appointment of a Town Manager shall be as follows:

402.1 The Select Board shall consult with the Maine Municipal Association regarding recruiting procedures and may make use of any services the Maine Municipal

Association might have available. This information shall be made available to the Search Committee.

- 402.2** A Search Committee of not less than five (5) and not more than seven (7) Town residents shall be appointed by the Select Board within **(thirty)** 30 days of the office of Town Manager becoming vacant or within **(thirty)** 30 days notice to the Select Board that the office of Town Manager will become vacant. One member of the Select Board shall serve as an ex-officio member of the Search Committee. The Search Committee shall endeavor to complete its tasks within **(ninety)** 90 days of its formation.
- 402.3** All meetings of the Search Committee shall be conducted as Executive Sessions and all information and discussions are confidential to the extent allowed by law.
- 402.4** The Search Committee shall choose from its members a chair that is responsible for conducting the meetings and conveying to the Select Board the progress of the search.
- 402.5** The Search Committee shall also choose from its members a vice-chair who shall act in the event the chair is absent or unable to carry out his ~~or~~ her duties.
- 402.6** The Select Board shall present to the Search Committee a job description for the position of Town Manager.
- 402.7** The Search Committee shall receive and review all applications for Town Manager, assuring that the minimum standards set out in state law are met and that the applications meet the requirements of the job description. A copy of each application for Town Manager shall be given to each member of the Select Board.
- 402.8** The Search Committee shall present to the Select Board a semi-final list of candidates for the position of Town Manager. By a majority vote the Select Board may add to the list of semi-finalists the name of one or more applicants taken from the list of all applicants.
- 402.9** The Search Committee and the Select Board together shall prepare a questionnaire, which all semi-finalists must complete in writing and return to the Search Committee. Responses to the questionnaire shall be kept confidential and distributed to all members of both the Search Committee and the Select Board.
- 402.10** After reviewing the questionnaires, the Search Committee shall present to the Select Board a list of finalists, not to exceed five **(5)**.
- 402.11** By a simple majority vote, the Select Board may add to the list of finalists' additional finalists from the original list of semi-finalists, not to exceed two **(2)**.

- 402.12** The Select Board shall, as a group, interview in person in executive session, each of the finalists for the position of Town Manager.
- 402.13** Appointment of a Town Manager requires a majority plus one vote of the entire Select Board.
- 402.14** In the event the Select Board is unable to meet the requirements for appointing a Town Manager, the position shall be advertised again and the search re-started.
- 402.15** If the office of Town Manager becomes vacant for any reason within ninety (90) days of the appointment of the Town Manager, the Select Board may choose a new Town Manager from the list of finalists in the previous search.

Section 403 COMPENSATION

The Select Board shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Town Manager's duties.

- 403.1** The Select Board shall consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers of towns similar in administrative size and population to Ogunquit.
- 403.2** The Select Board shall consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers with various levels of experience, education, and training.

Section 404 RESTRICTIONS

- 404.1** The Town Manager may not serve as a member of the Select Board, Assessor, member of the School Board, or any other Town board, committee, or commission. (State Law Reference: Title 30-A, MRSA, Section 2632)
- 404.2** Other than a Select Board member, current or former municipal officers may be appointed Town Manager. When a current municipal officer is appointed Town Manager, he ~~or~~ / she must immediately submit in writing to the Select Board his ~~or~~ / her resignation from his/her municipal office. (State Law Reference: Title 30-A, MRSA, Section 2606)
- 404.3** Select Board members are ineligible to be appointed Town Manager while serving on the Select Board or within one year after their term on the Select Board expires.

Section 405 POWERS AND DUTIES OF THE TOWN MANAGER

The Town Manager shall:

- 405.1** Be the ~~chief operating officer~~ Administrator of the Town.
- 405.2** Appoint, subject to the confirmation or veto by the Select Board, all Department Heads except those otherwise provided for under State statute or this Charter. All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of accomplishment.
- 405.3** Be responsible to the Select Board for administration of all departments and offices over which the Board has control.
- 405.4** Serve in any office as the head of any department under the control of the Select Board when so directed by the Select Board.
- 405.5** Have exclusive authority to remove for cause, after notice and hearing, any person the Town Manager is authorized to appoint, and to report all such removals to the Select Board, unless otherwise provided for by this Charter or Maine State law.
In order to remove the Town Clerk and Town Treasurer for cause there is an additional requirement that there be an affirmative vote from the Select Board of not less than three of its members.
- 405.6** Unless otherwise provided by municipal ordinance, the Town Manager shall supervise all Town appointees whom the municipal officials are required by statute to appoint, and appoint and supervise all other subordinates and assistants. The Town Manager shall have the authority to delegate supervisory authority to the head of a department. The Town Manager's authority does not extend to supervision of members of boards, commissions, committees, ~~and~~ auditors, attorneys and assessors.
 - A.** The Town Manager shall maintain current job descriptions for all Town Employees.
- 405.7** Appoint, with the approval of the Select Board, an administrative assistant to the Town Manager, whose duties shall include that of a purchasing agent for all Town departments and agencies, except the School District.
- 405.8** Attend all meetings of the Select Board, unless excused.
- 405.9** Make recommendations to the Select Board regarding the efficient operation of the Town.

- 405.10** Attend all Town meetings and other meetings and hearings as so directed by the Select Board.
- 405.11** Keep the Select Board and the residents of the Town informed with respect to the financial condition of the Town. Twelve (12) times per year, at the opening of the first Select Board Meeting of every month, prior to the discussion of any business or public hearings, the Town Manager, or the Town Manager's appointee, shall address the inhabitants of Ogunquit on the public access channel (WOGT), with the express purpose of updating and informing the residents of Ogunquit as to the present status of approved projects and departmental achievements and/or deficiencies.
- It shall be at the discretion of the Town Manager to determine the depth of the public updates. The residents shall have the opportunity to submit written questions to the Town Manager on any budget issues or other questions regarding the Town's affairs and the Town Manager shall respond to these questions during the next monthly report.
- 405.12** Collect the necessary data and prepare the budget for the Select Board.
- 405.13** Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- 405.14** Be aware of and make application, as approved by the Select Board, for State, Federal and other grants for the benefit of the Town.
- 405.15** Perform such other duties as may be prescribed by this Charter or required by the Select Board, not inconsistent with this Charter.
- 405.16** Notify the Town Clerk, for inclusion in the Annual Town Report, of the attendance record of the members of the Select Board meetings. ~~Town boards, committees and commissions, whether elected or appointed, including the number of meetings attended and absent.~~

Section 406 ABSENCE OF THE TOWN MANAGER

The Town Manager may, with the consent of the Select Board, designate by letter filed with the Town Clerk, a qualified person, preferably a resident of the Town, to perform the duties of the Town Manager in the event of an extended absence or disability. In the event of failure of the Town Manager to designate, the Select Board shall appoint a qualified person, preferably a resident of the Town, to perform the duties of the Town Manager until such time as the Town Manager returns.

Section 407 REMOVAL OF THE TOWN MANAGER

The Town Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- 407.1** The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reason for the proposed removal, a copy of which shall be delivered to the Town Manager within five (5) days of filing. The Town Manager may, within ten **(10)** business days of receiving the resolution, reply in writing and may request a hearing. The Town Manager shall specify whether that hearing is to be held in public or executive session.
- 407.2** Upon request for a hearing, the Select Board shall hold a hearing not earlier than five (5) business days after the request is filed and not later than twenty (20) business days.
- 407.3** After the hearing or at the expiration of the time permitted the Town Manager to request the hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal.
- 407.4** Removal of the Town Manager requires a majority plus one of the Select Board, all members being present.
- 407.5** The Select Board may suspend the Manager from duty in the preliminary resolution, but in no event shall the Manager's salary and benefits be affected until the final resolution of removal has been adopted. (State Law Reference: Title 30-A, MRSA, Section 2633)

ARTICLE V

FINANCIAL PROCEDURES

Section 501 AUTHORITY

The Select Board shall be responsible for the preparation and submission of the annual and special budgets to be voted at Annual and Special Town Meetings.

Section 502 FISCAL YEAR

Starting in 2009, the fiscal year of the Town shall begin on the first day of July and terminate on the last day of June of each year. The Town fiscal year shall constitute the budget and accounting year as specified in this Charter.

- 502.1 The Town shall collect Real Estate Taxes on a semi-annual basis starting in Fiscal Year 2009.

Section 503 BUDGET PROCESS

- 503.1 The Town Manager, assisted by input from each Department Head and Chairpersons of Town Boards, Committees, and Commissions shall submit a five (5) year capital improvement plan, the annual budget, and any special funding requests to the Select Board .
- 503.2 The Select Board will then, with the collaboration and advice of the Budget Review Committee, review and revise, if necessary, approve and finalize the budget for presentation at the Annual Town Meeting.
- 503.3 Prior to finalizing the budget, the Select Board shall hold a public hearing on its proposed budget at least thirty (30) days prior to the Annual Town Meeting vote.
- 503.4 The budget shall be presented to the voters by the Select Board in the form of warrant articles for an appropriation.
- 503.5 Each warrant article shall be accompanied by a notation of the Select Board's recommendation and vote on the article. Each warrant article containing a budget item shall also be accompanied by a notation of ~~the~~ **both the Select Board's and the Budget Review Committee's** recommendation and vote on the article.
- 503.6 On those articles where the recommendations of the Select Board and the Budget Review Committee are in agreement, the Warrant Article shall include their common recommendation and the previous fiscal year's budget as the two (2) voter choices. In the event a previously funded budget article is not approved by majority vote, the appropriation for the previous fiscal year shall be construed as the appropriation for the current fiscal year.
 - ~~503.6.1A.~~ **On**~~For~~ those articles where the recommendations of the Select Board and Budget Review Committee differ, the Warrant Article shall include the Select Board's recommendation and the Budget Review recommendation as the two (2) voter choices. In the event of a tie vote and a previously funded budget article is not approved by majority vote, the Select Board's appropriation will prevail.
- 503.7 In the event a budget item appearing on a ballot for the first time or a petitioned article is not approved by majority vote, the item shall receive no funding.

503.8 In the case of petitioned warrant articles or special funding requests for budgetary items to be voted at a Special Town Meeting, the procedures required and the only public hearing shall be as otherwise set forth in Title 30-A, MRSA §2528.5.

503.9 No defeated warrant article shall be reconsidered until the next Annual Town Meeting.

Section 504 REVENUE AND EXPENDITURES

Anticipated revenues and taxation shall be identified on each appropriation account. The budget for all departments shall include all proposed expenditures, revenues and other funding sources.

Total expenditures shall not exceed total ~~income~~ revenues and other funding sources.

The gross appropriation for each department shall not be exceeded except by vote at a Special Town Meeting or as provided for herein.

~~Amounts may be transferred by the Select Board within a department as long as the approved total departmental budget amount is not exceeded. Transfers between departments (Warrant Articles) shall be allowed only as a final adjustment at the end of the fiscal year following a public hearing at a Select Board Meeting. This transfer is limited to an amount not to exceed Twenty Five Thousand Dollars (\$25,000) for any one department and not to exceed 1% (One Percent) of the total municipal operating budget for the departments overall. Amounts above these limits require approval at a Special Town Meeting. (STM 11/05/13)~~

504.1 The Select Board shall have the authority to transfer appropriations between departments without exceeding the Town Meeting approved total budget. Such authority maybe exercised during the fiscal year or at the end of the fiscal year, subject to a public hearing before taking such a vote. This authority is limited to an aggregate of a \$25,000 transfer to any one department and total transfers between departments shall not exceed 1% of the total municipal operating budget for the departments overall.

504.2 The Select Board shall have the authority to determine that a Capital Improvement Project is completed or abandoned, and to transfer up to \$25,000 in excess funds to another approved Capital Improvement Project.

The transfer may be completed during the year or at year end. Transfer(s) to be capped at \$25,000 annually. Transfer(s) are subject to any restrictions on the use of

the funds by the funding source and to a public hearing prior to completing the transfer.

Section 505 BORROWED FUNDS

The Town Treasurer, with approval from the Town Meeting, Special Town Meeting or the Select Board, is authorized to borrow money for approved expenditures in anticipation of revenue and taxation collection.

505.1 Such borrowings shall include, but not be limited to:

- A. General Obligation Bonds**
- B. General Obligation Bond Anticipation Notes**
- C. Revenue Anticipation Notes**
- D. Tax Anticipation Notes**
- E. Operating Leases and;**
- F. Capital Leases**

Section 506 INDEPENDENT ANNUAL AUDIT

~~Prior to the end of the fiscal year, T~~the Select Board shall designate ~~either the Maine Department of Audit or~~ a private firm of certified public accountants to make an independent audit of accounts and other evidence of financial transactions of the Town government for the current fiscal year and to submit its report and a management letter to the Select Board.

Such accountants shall not maintain any accounts or records of Town business, but shall post-audit the records and documents maintained by the Town and any separate or subordinate accounts maintained by another office, department, or agency of Town government.

This information shall be published in the Annual Report which shall be made available to the voters within no less than 90 days of the close of the Town's Fiscal Year. ~~Extensions to this time line due to mitigating circumstances may be voted by an affirmative vote of the Select Board. In any case, the Annual Report must be available to the public ninety (90) days prior to the Annual Town Meeting.~~

Upon acceptance of the audited Financial Statements by the Select Board, the Audited Financial Statement shall be made available to the public on the Town's website.

ARTICLE VI

SCHOOL COMMITTEE

Section 601 COMPOSITION

The Wells-Ogunquit Community School District School Committee shall be comprised of six (6) members. Registered voters of each town shall elect at large from their respective towns three (3) members. Election shall be to a three **(3)** year term, unless elected to fill an unexpired term. In the event of a vacancy on the Wells-Ogunquit Community School District Committee, the municipal officers shall select a new member from the municipality to serve until the next annual municipal election. (20-A M.R.S.A. §1653(2) (A), as amended.

Section 602 ELIGIBILITY

School Committee members shall be registered voters in the Town during their term of office. They shall hold no other positions that would be in conflict with their responsibilities and function as a School Committee Member.

Section 603 REPORTING

At the first Select Board meeting each November, a School Committee member will present the October 1st Attendance Report regarding the number of school-age children from Ogunquit **attending the Wells-Ogunquit CSD**, as well as any other information deemed appropriate to provide the Select Board and the citizens of Ogunquit regarding the education of our young people.

ARTICLE VII

TAX ADMINISTRATION

Section 701 ASSESSOR

The Town Assessor or Certified Public Assessor shall be appointed by the Select Board with special reference to actual related experience or knowledge of accepted practices with respect to the duties of the office. The Town Assessor or Certified Public Assessor shall meet the State requirements for Town certification. The Assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the towns and cities in the State of Maine may exercise and may now or hereafter be subject to under the Laws of the State.

Section 702 ASSESSMENT REVIEW

The Select Board shall appoint in accordance with State statutes a Board of Assessment Review to review and revise assessments where appropriate.

ARTICLE VIII

BOARDS, COMMITTEES AND COMMISSIONS

Section 801 TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Select Board shall appoint a Board of Assessment Review, Planning Board, Zoning Board of Appeals and any other Boards as required by State Statutes. All boards shall conduct their business in accordance with the rules set forth in this Charter. ~~Members of these boards shall be registered voters of the Town of Ogunquit.~~ Members of boards required by law shall be registered voters of the Town of Ogunquit. No eligible member may serve on more than one required committee or board simultaneously. Members of appointed Boards, Committees and Commissions, not required by law, shall be registered voters, property owners or full time residents of the Town of Ogunquit. Registered voters and property owners from adjacent municipalities may also be considered for the Select Board's approval of an appointment to an appointed Board, Committee or Commission, provided that the Ogunquit residents, property owners who comprise the respective Board, Committee or Commission are in a majority. The Select Board may also create and appoint members to other Town committees as needed.

801.1 The Select Board is responsible for each board and committee's purpose (mandate) and direction. The Select Board must select members for each Board required by State statute. The intent of this section is to provide guidance to all official volunteer boards and committees.

A. Organization

1. All Boards and Committees:

- a. Shall operate under by-laws approved by the Select Board and updated as necessary;
- b. Shall annually elect a chairperson and vice chairperson, and other officers as are necessary and required by their by-laws. A chairperson or vice chairperson shall not serve simultaneously as a chairperson or vice chairperson on any other board, committee or commission;
- c. Shall hold meetings at regularly scheduled, or specially scheduled dates and times, in accordance with their by-laws, that are publicized by the Town in advance of all meetings; and

- d. All meetings shall be open to the public.

2. Board and Committee chairpersons:

- a. Shall manage their group according to its by-laws, Select Board directives, and any applicable Town ordinances and state and federal laws;
- b. Shall establish a meeting schedule and set their group's agenda;
- c. Shall keep the Select Board, and any other necessary Town officials, apprised of its work;
- d. Shall run orderly meetings; shall provide for recorded minutes if and whenever necessary, and shall review and approve minutes regularly;
- e. Shall make themselves available, within reason, to the press;
- f. Shall ensure their members receive proper training and understand their roles and responsibilities, including boardsmanship and conflict of interest parameters;
- g. Shall work to recruit new members whenever a vacancy occurs; and
- h. Shall welcome public comment at appropriate segments of their meetings.

B. Procedures

- 1. In developing rules, Boards and Committees shall follow the most recent edition of Robert's Rules of Order.

Section 802 BUDGET REVIEW COMMITTEE

There shall be an elected Budget Review Committee with two (2) appointed alternates to assist the

Select Board with budgets and financial planning. The recommendations of the Budget Review Committee will be presented to the public at the Annual Town Meeting when any budget items are being presented for consideration by the voters. Members of said Committee shall be registered voters of the Town. The Budget Review Committee shall adopt such by-laws; as it deems necessary.

802.1 Appointment and Terms

The Budget Review Committee consists of five (5) members who shall be elected at the Annual Town Meeting ~~commencing June 2009~~. As vacancies occur when the terms of previously appointed members end, those vacancies will be filled by election to a three (3) year term.

802.2 The Budget Review Committee will also have a first and a second alternate who are appointed for one year terms by the Select Board.

802.3 Filling of Vacancies

~~802.2.1~~ A. If for any reason a vacancy shall occur in the membership of the Budget Review Committee, the vacancy will be filled in the following manner:

1. In the event that the Select Board has previously appointed Alternates to the Budget Review Committee, the first Alternate will succeed to fill the vacancy, the Second Alternate will succeed to First Alternate, and the Select Board will fill the 2nd Alternate vacancy by appointment.
2. In the event that no Alternates have been appointed, the Select Board shall fill the vacancy by appointment.
3. The new Committee member will serve until there is either an Annual or Special Town Meeting. At such time there will be an election to fill the remainder of the original term.

B. Any such election shall be conducted in accordance with the statutes of the State of Maine. In the event that more than one position is to be filled by election, all positions shall be considered "At Large", with the candidates receiving the highest vote totals elected to the longest terms.

- C. In the event of a tied election result the Select Board shall schedule a special run-off election to be held within sixty (60) days pursuant to 30-A MRSA § 2528(10).

Section 803 FORFEITURE OF OFFICE

At any time during a term, an appointed municipal board, commission or committee member shall forfeit office by an affirmative vote of at least a majority plus one of the Select Board, after notice and hearing if required by law, for any of the following reasons:

- 803.1** Lack of any qualifications for the office as prescribed by this Town Charter or by State law.
- 803.2** Violation of any express prohibition of the Town Charter.
- 803.3** A member of any municipal board, commission or committee who has three (3) consecutive unexcused absences from that board, commission or committee meetings or who has an absentee rate of twenty (20%) percent of unexcused absences year to date (including regular and special meetings), during the prior twelve (12) month period, shall be deemed to have created a vacancy on that board, commission or committee resulting in loss of membership on the board, commission or committee. The recording secretary shall be responsible for maintaining accurate attendance records. An absence may be excused only by a vote of the remaining members in attendance at the meeting from which the board, commission or committee member is absent.

Section 804 RECALL OF ELECTED OFFICIALS

Any elected official may be recalled and removed from office by the registered voters of the Town as herein provided.

804.1 Petition for Recall

- A. Any fifty (50) registered voters of the Town may make and file with the Town Clerk an affidavit, with each signature notarized, containing the name of the officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired.

- B.** The Town Clerk shall then prepare and sign ten (10) copies of a petition for removal.
- C.** The petition forms must meet the following requirements:

 - 1) each petition form must be signed by the Clerk;
 - 2) each petition form must have attached thereto a copy of the signed affidavit containing the name of the officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired;
 - 3) each petition form must have spaces for each voter signing the petition to affix his or her signature, print his or her name, print his or her physical address, and indicate the date; and
 - 4) each petition form must contain an affidavit to be executed by the circulator and attested by a notary stating that the circulator personally circulated the petition form; that all signatures contained on the form were affixed in the circulator's presence; that the circulator believes them to be the genuine signatures of the registered voters whose names appear on the petition; and that each person signing the petition had the opportunity to read it before signing.
- D.** The Town Clerk or Deputy shall control one copy of the petition for thirty (30) business days thereafter, during which time it shall be available for signatures, during regular business hours, of registered voters of the Town.
- E.** The Town Clerk shall make the remaining copies of the petition available for circulation and collection of signatures. Petition forms may be circulated by any registered voter of the Town. Should the initial ten (10) petitions prepared by the Clerk be insufficient, the Clerk shall prepare additional petitions for circulation.
- F.** To be effective, the recall petition must be signed by the number of registered voters of the Town equal to at least twenty-five percent (25%) of the ballots cast in the last gubernatorial election and the signed petition must be delivered to

the Clerk on or before the 30th business day after it was first issued by the Clerk.

- G. Should fewer than **twenty-five** 25% of the number of voters who participated in Ogunquit in the last gubernatorial election sign the petition or should the petition not be delivered to the Clerk within the time specified above, the petition shall have no further force or effect, and no new petition action for recall of the same person for the same specific reason(s) can be initiated until 180 days from the end of the previous filing period.

804.2 Examination of Petition

- A. At the expiration of the thirty (30) **business** day period described above, the Town Clerk shall declare the petition closed and shall within five (5) business days thereafter ascertain whether or not the petition contains the valid signatures of the requisite number of registered voters and shall attach thereto a certificate showing the results of such examination.
- B. The Town Clerk shall certify the petition to be sufficient. The Town Clerk shall allow five (5) **business** days for the filing of legal challenges to the signatures on the petition.
- C. If no such challenges are filed, the Town Clerk shall forthwith certify and submit the petition to the Select Board.

804.3 Calling of Recall Election

The petition and the certificate shall be submitted to the Select Board at its next scheduled meeting. If the petition, certified by the Town Clerk, includes the requisite number of signatures, the officer whose removal is sought shall be notified. The Board shall thereupon, within ten (10) business days of receipt of the Town Clerk's Certificate, order an election to be held not less than forty-five (45) calendar days, nor more than sixty (60) calendar days thereafter; unless a regular election is to occur within seventy (70) calendar days in which case the recall election will be held concurrent with the regular election. The officer whose removal is being sought may request a public hearing by submitting a written request to the Select Board within ten (10) calendar days of the Town Clerk's certification. Unless the Board Member whose removal is sought shall have resigned within ten (10) days after the receipt by the

Select Board of the Town Clerk's Certificate, a ballot shall be prepared. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

804.4 Form of Ballot

The form of the ballot at the recall election shall be: "Shall [elected municipal official shown on petition] be recalled?"

804.5 Count of Ballots

In the case that a majority of those voting on the recall of any official shall vote in favor of recall, that official shall be removed immediately, and a vacancy shall be declared by the Town Clerk.

804.6 Election by Petition

If the Select Board, upon receipt of the petition, fails to call a Town Meeting for the purpose of a recall election, it may be called by a Notary Public in the county upon the written petition of a number of votes equal to at least ten percent (10%) of the number of signatures on the certified petition.

804.7 Candidates for Recalled Petition

In the event of a successful recall election, nominations for candidates shall be sought in the same manner as for any municipal election and in accordance with State and municipal election laws.

ARTICLE IX

GENERAL PROVISIONS

Section 901 SCOPE OF POWERS

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the Town would have if the particular powers were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to State Laws and to the provisions of the State Constitution.

Section 902 SEPARABILITY

If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Section 903 SHORT TITLE

This Charter shall be known as the Charter of the Town of Ogunquit. The Town Clerk shall cause the Charter to be printed and made available to the public within a reasonable time following its enactment.

Section 904 OATH OF OFFICE

Every official of the Town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States of America and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Ogunquit and will faithfully discharge the duties of the office of _____."

Section 905 ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE

All ordinances of the Town of Ogunquit in force at the time when this Charter takes effect not

inconsistent with the provisions of this Charter shall continue in force until amended or repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 906 CONTINUANCE OF PRESENT ELECTIVE AND ADMINISTRATIVE

All persons holding elective or administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

Section 907 APPLICABILITY OF STATE STATUTE

Any subject matter not provided for by this Charter shall be controlled by the applicable State statute.

Section 908 CHARTER REVIEW COMMISSION

The Select Board shall convene a Charter Review Commission, in accordance with State Law Title 30- A, MRSA, Section 2103, every five (5) years for the purpose of reviewing and recommending updates to this Charter. In the event a Commission shall have been convened within any five (5) year period, a new five (5) year period shall commence from the date of the dissolution of said Commission.

Section 909 CONFLICT OF INTEREST

Any official or employee who has any financial interest, direct or indirect, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official or employee in making of such sale or in the making or performance of such contract. Any official or employee who willfully conceals such a financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Board. The member with a conflict of interest shall recuse him/herself and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the Select Board is ready to move to the next item on the agenda.

Section 910 APPEARANCE OF CONFLICT OF INTEREST

Even if no personal financial conflict of interest exists, a board, commission, or committee member should avoid the appearance of a conflict by disclosing the facts underlying the potential conflict and, where appropriate, abstaining from the reason for abstaining from a discussion and voting on the matter in order to maintain the public's confidence in the board's, commission's, or committee's work. An appearance of a conflict exists when a reasonable person could conclude from the circumstances that participation would be perceived as inappropriate. As with the conflict of interest described in Section 909, ~~the member should excuse him/herself from the room during the discussion and vote.~~ a member who abstains from voting due to the appearance of a conflict of interest shall leave the room, move to the public section area until such time as the matter involving the interest is closed and the Select Board is ready to move to the next item on the agenda. In no case shall an abstaining Select Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has abstained; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.

ATTEST:

A TRUE COPY:

Town Clerk

Dated: _____

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

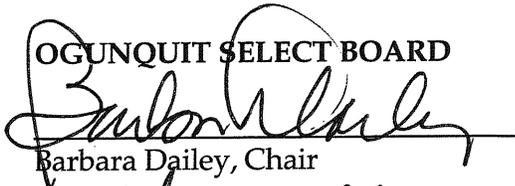
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled:

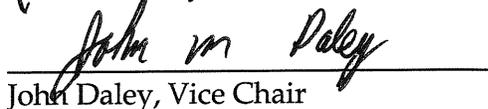
Shall an ordinance entitled “**An Ordinance to Amend Title III of the Ogunquit Municipal Code, Public Service Ordinance**” be enacted?

This ordinance will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held on November 8, 2016.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


John Daley, Vice Chair

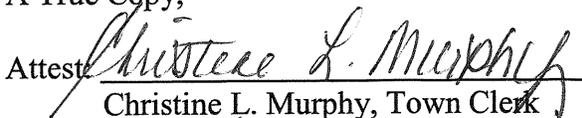
Richard Dolliver, Member


Gary Latulippe, Member

Robert Winn, Jr., Member

DATED: September 20, 2016

A True Copy,

Attest 
Christine L. Murphy, Town Clerk

10/18/2016

TITLE III
PUBLIC SERVICE

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TITLE III
PUBLIC SERVICE

Chapter 1 Purpose and Authority

101 Purpose

The purposes of the Ordinances given in this Title are to provide services for the public health, safety and welfare and to control use of those services in the public interest. Such services include water, sewer, waste disposal, and others as the Town may adopt.

102 Authority

Town authority to enact ordinances providing for public services is found generally in Title 30 of the Maine Revised Statutes, in which the State of Maine authorizes municipalities to enact ordinances that enhance and protect the public health, safety and welfare. The State of Maine has also delegated specific authority to enact ordinances through Title 30 and other titles of the Maine Revised Statutes.

Chapter 2 Water

201 Water District

Public water for Ogunquit is provided by a water district having separate statutory authority. Persons interested in the water district and its powers should contact it, **Kennebunk, Kennebunkport & Wells Water District, Kennebunk, ME**, directly for more information.

Chapter 3 Sewer

301 Sewer District

Sanitary waste disposal for Ogunquit is provided by a sewer district having separate statutory authority. Persons interested in the sewer district and its powers should contact it, **Ogunquit Sewer District, Ogunquit, ME**, directly for more information. In addition to the Ogunquit Sewer District, the Town of Ogunquit has enacted ordinances pertaining to sanitary waste disposal. They are found in the remaining sections of this Chapter.

302 Sewer Connections

No person, individual, company or corporation or any agent, servant or employee of any such person, company or corporation shall at any time under any condition break open or disturb a public sewer pipe within the Ogunquit Sewer District for the purpose of connecting private pipe lines with said public sewer pipe, or for any purpose whatsoever, without first paying the Treasurer of

said corporation all entrance fees due said corporation for any such entry, and obtaining a written permit from the Chairmen of the Trustees of said corporation and any connections made or work done as aforesaid shall be done strictly according to any directions contained in said permit.

303 Limitation on Drains

No person shall in the future connect any cellar drain or any other type of drain except sewage disposal to any sanitary sewer line, and no sewer line shall be connected or run into a water drain, and wherever possible such existing connections shall be transferred from storm sewer lines upon order of the Board of Trustees.

304 Restoration of Excavated Areas

Enacted at Special Town Meeting on December 17, 1985.
Section Replaced by Title XVI, Streets, Sidewalks and Other Public Places at Special Town Meeting on November 4, 2014.

305 Fines and Penalties

Any person violating any of the provisions of this ordinance shall be subject to a fine of not more than one hundred dollars (\$100).

Chapter 4 Solid Waste

401 Purpose

The purpose of this Chapter is to provide the orderly, safe and sanitary disposal of refuse, recovery of discarded material, which can be recycled, and the operation of the transfer station. This ordinance provides regulations to limit disposal to residents and specially authorized users.

402 Definitions

402.1 Bulky Materials means large items of waste such as appliances, other white goods, furniture, large auto parts, trees and branches in excess of one half inch in diameter.

402.2 Commercial Hauler means a person or firm which hauls the refuse of another person for a fee.

402.3 Compactor means transfer station equipment consisting of a large pit hopper in which refuse is deposited and a hydraulic ram which compresses refuse into a special tractor trailer which transports the compacted refuse for further disposal.

402.4 Construction and Demolition Waste means the waste of building materials and rubble resulting from construction, remodeling, repair and

demolition operation on houses, commercial buildings, pavements, and other structures.

402.5 Domestic Waste means all types of refuse normally generated in a residential household or apartment.

402.6 Hazardous Wastes means wastes that can cause serious injury or disease during the normal storage, collection, and disposal cycle, including but not limited to explosives, pathological and infectious wastes, radioactive materials, and dangerous chemicals. State definitions of hazardous wastes shall apply to the Town of Ogunquit.

402.7 Non-Domestic Wastes means wastes generated by wholesale and retail establishments, end products of manufacturing, end products of food preparation for sale of scraps of leftovers or soluble portions, and the refuse of governmental entities.

402.8 Person means any individual, partnership, firm, association, corporation, or other legal entity, or any agent, or any employee of any such person.

402.9 Refuse means putrescible and non-putrescible solid wastes (except body wastes), including food waste (garbage), construction and demolition wastes and yard wastes.

402.10 Salvageable Wastes means refuse that has use or value to a person, firm, corporation or establishment other than those who generated it.

402.11 Scavenge mean the removal of salvage waste from the refuse disposal area by unauthorized persons.

402.12 Town Transfer Station means the area located at the address of 28 Spring Hill Road and referenced as Map 18, Lot 15-B in Town records,

402.13 Yard Waste means prunings, tree trimmings and twigs, brush, shrubs, weeds, yard clippings, and leaves, branches or limbs in excess of one half inch in diameter are considered bulky wastes.

403 Disposal Prohibit

A person shall not dispose of refuse within Ogunquit except at the Town Transfer Station.

404 Permit Required

A person shall not dispose of refuse at the Town Transfer Station unless a disposal permit has first been obtained according to the provisions of this Ordinance. It shall be the responsibility of any applicant to produce adequate proof of residency.

405 Classes of Permits

The Town of Ogunquit shall issue four classes of refuse disposal permits:

405.1 Residential Disposal Permits - No person(s) may deposit any solid waste at the Transfer Station without first obtaining a permit as evidenced by a properly affixed current decal.

The decal shall be obtained at the ~~Police Station~~ **Visitor Services Office** and will be used in combination with the annual beach pass. No additional fee is added for the Transfer Station Permit. A fee schedule will be provided at time of placement on vehicle(s).

405.1.1 Beach Pass allows use of Town public parking lots and the Transfer Station.

405.1.2 Beach Pass denoted with red "T" will allow use of Transfer Station only.

405.1.3 Replacement – In conjunction with the sale of beach parking permits or as needed.

405.2 Temporary Disposal Permits - A temporary disposal permit to enable building contractors to dispose of construction or demolition debris shall be issued with building permits by the Code Enforcement Officer in accordance with other regulations enacted pursuant to this Ordinance;

405.3 Non-Domestic Disposal Permits - Commercial, professional, industrial, governmental, and other non-domestic entities (except commercial haulers) located in Ogunquit;

405.4 Commercial Hauler Permits - For refuse generated in Ogunquit.

406 Display of Permit

Transfer Station permit decals will only be issued for specific vehicles registered to eligible persons that have complied with and satisfied all of the requirements of these Regulations. The Town Manager shall prescribe the manner in which Town employees shall disburse and apply the parking permit decals on all vehicles, provided, however, that all decals must be permanently affixed to a glass surface on the driver's side of the eligible vehicle.

407 Permit Fees and Regulations

The Select Board shall establish fees for domestic disposal permits and proportional fees based upon weight or volume of refuse for other classes of permits after public notice and hearing. The ~~Board of Selectmen~~ Select Board may also adopt fee schedules for the deposit of bulky materials and for construction and demolition wastes after public notice and hearing. The Select Board may also adopt other regulations governing the term of permits, residency requirements, hours of operation, vehicle standards, insurance, filing of routes and collection schedules, use of facilities, and other regulations consistent with the requirements of this Ordinance. (*Amended Annual Town Meeting 04/04/1987*)

407.1 Permit Classes

Class I: Commercial Hauler - Large contracted waste haulers operating within the boundaries of the Town - \$200.00/Year.

408 Use of Facilities

408.1 Materials Accepted

A person shall dispose of the following refuse at the Town Transfer Station:

- 408.1.1 Domestic refuse;
- 408.1.2 Non-Domestic refuse;
- 408.1.3 Yard wastes;
- 408.1.4 Bulky wastes;
- 408.1.5 Construction and demolition wastes, except that the ~~Board of Selectmen~~ Select Board may require disposal of excessive amounts of construction and demolition wastes at other sites.

408.2 Voluntary Recycling

In the interest of recovering recyclable materials and reducing the amount of refuse, the ~~Board of Selectmen~~ **Select Board** ~~are is~~ authorized to establish a voluntary recycling program for newsprint, bottles, cans, white goods, and other refuse. The ~~Board of Selectmen~~ **Select Board** may permit disposal of recyclable refuse from outside of Ogunquit.

After the expiration of a one-year trial period, the ~~Board of Selectmen~~ **Select Board** is authorized to establish mandatory regulations for recycling after giving public notice and a hearing.

408.3 Materials Prohibited

A person shall not dispose of any of the following types of refuse:

- 408.3.1 Refuse from outside of Ogunquit except recyclable refuse as permitted by the ~~Board of Selectmen~~ **Select Board**;
- 408.3.2 Automobiles or other motor vehicles, or major parts of motor vehicles;
- 408.3.3 Hazardous wastes.

408.4 Other Restrictions

A person shall not do any of the following:

- 408.4.1 Scavenge materials;
- 408.4.2 Transport refuse without protecting against scattering, spillage or leakage;
- 408.4.3 Dispose of refuse within the Town Transfer Station except at designated areas or at the direction of authorized personnel.

409 Enforcement

Police officers of Ogunquit are authorized to enforce the provisions of this Ordinance and other applicable laws.

410 Penalties

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100) per violation, plus costs and attorneys fees, which fine(s) shall be recovered on complaint to the use of the Town. The **Select Board** shall also be authorized to order the cleanup of any Solid Waste disposed of in violation of this Ordinance, and if the violator fails to clean up this Solid Waste after thirty (30) days notice, the Town may on its own initiative provide for the clean up, and recover the expense from the violator,

including all court costs and attorney's fees. (*Amended Annual Town Meeting 04/04/1987*)

411 Effective Date

This Ordinance shall become effective immediately. (Adopted by vote of the Ogunquit Village Corporation on June 2, 1980, Article 7 of the Warrant).

411.1 Amendments, Revisions and Deletions

Following public notice and hearing, this Ordinance was amended, revised, and/or portions deleted, on: **June 14, 2011**

Chapter 5 Solid Waste Disposal Ordinance

An Ordinance Relating to the Disposal of Solid Waste within the Municipality of Ogunquit; Prescribing Rules and Regulations Therefore; Providing Penalties for Violation Thereof:

501 Short Title

This Ordinance shall be known as and may be cited as the "Ordinance Relating to the Disposal of Solid Waste within the Municipality of Ogunquit, Maine; Prescribing Rules and Regulations Therefore; Providing Penalties for Violations Thereof" and shall be referred to herein as the "Ordinance".

502 Purpose

The purpose of this Ordinance is to protect the, health, safety and general well-being of the citizens of the Municipality; enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Municipality in accordance with the provisions of Title 38 M.R.S.A. Section 1304-B and 1305 as amended.

503 Definitions

For the purpose of this Ordinance, the following definitions shall be observed in the construction of this Ordinance:

503.1 Acceptable Waste shall mean ordinary household, municipal, institutional, commercial and industrial Solid Waste including, but not limited to, the following:

- (1) Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires, to the extent

- that ~~ECO-Maine~~ any Disposal Facility determines that the air emission criteria and standards applicable to and at the ~~ECO-Maine~~ designated Disposal Facility are not violated; and
- (2) Processible portions of commercial and industrial Solid Waste; and
 - (3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one half feet (4 ½') long and eight inches (8") in diameter, and leaves, twigs, grass and plant cuttings, provided that the Municipality shall not be obligated to deliver or cause to be delivered any items listed in this subpart (3) to ~~the ECO-Maine~~ any designated Disposal Facility and further provided that such items may be delivered to ~~the ECO-Maine~~ any designated Disposal Facility by or on behalf of the Municipality on an irregular basis only and shall represent an insignificant portion of the total Solid Waste delivered to ~~the ECO-Maine~~ any designated Disposal Facility by or on behalf of the Municipality within any calendar year; and

Notwithstanding any provisions to the contrary, Unacceptable Waste, including Hazardous Waste, shall not be "Acceptable Waste" and is explicitly excluded there from.

Furthermore, any substances which as of the date of certain any Waste Handling Agreement between the Municipality and ~~ECO-Maine~~ any designated disposal facility are included as "Acceptable Waste", but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall not be "Acceptable Waste" under the terms of this Ordinance. However, any substances which as of the date of said Waste Handling Agreement are not included within the definition of "Acceptable Waste" because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall be considered "Acceptable Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction or unless such substances are otherwise considered "Unacceptable Waste" or "Hazardous Waste".

503.2 Ashes shall mean that residue from the burning of wood, coal, coke or other combustible material.

503.3 Board shall mean the Select Board for the Municipality of Ogunquit.

503.4 Commercial Refuse Collector shall mean a person, firm, corporation or other entity that collects and hauls the solid waste of another person, firm, corporation, or other entity for a fee.

503.5 Construction and Demolition Debris shall mean

- (a) Construction/Demolition Debris
- (b) Inert Fill
- (c) Landscaping Debris and
- (d) Wood waste

all as defined in Chapter 400 of the Maine Department of Environmental Protection Regulations, but excluding

- (i) Acceptable Waste and
- (ii) Hazardous Waste

503.6 Disposal shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.

503.7 Hazardous Waste shall mean a waste substance or material in any physical state, designated as hazardous by the terms of a certain Waste Handling Agreement between the Municipality and ~~ECO Maine~~ **any designated disposal facility**.

503.8 Infectious Waste shall include those wastes so define by the Solid Waste Management Regulations promulgated by the Department of Environmental protection pursuant to Title 38 M.R.S.A. Section 1304.

503.9 Municipality shall mean the Municipality.

503.10 Person shall mean any natural person, corporation, partnership, sole proprietorship, association or other legal entity.

503.11 Public Solid Waste Disposal Facility (Disposal Facility) shall mean any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid waste; this term shall include ~~ECO Maine and Municipality Disposal Facilities and ECO Maine Construction and Demolition Debris Facilities~~.

503.12 Resource Recovery shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

503.13 ~~ECO Maine~~ **Designated disposal facility** ~~Disposal Facility~~ shall mean any land or structures or combination of land area and structures, including dumps and transfer stations owned or operated by or under a contract

with ECO Maine any designated disposal facility, and/or any other site designated by or its assignee used for storing, salvaging, reducing, incinerating, reclaiming or disposing of acceptable waste pursuant to the Waste Handling Agreement and amendments thereto entered into between the Municipality and ECO Maine any designated disposal facility.

~~503.14 ECO Maine Construction and Demolition Debris Disposal Facility shall mean any land or structure or combination of land area and structure, including dumps and transfer stations owned or operated by or under a contract with ECO Maine and/or any other site designated by ECO Maine or its assignee, used for storing, salvaging, incinerating, reclaiming or disposing of Construction and Demolition Debris pursuant to the Waste Handling Agreement and amendments thereto entered into between the Town and ECO Maine.~~

~~503.15 ECO Maine shall mean ECO Maine, a non-capital stock, non-profit corporation created pursuant to Title 30, Chapter 115, and Title 13, Chapter 81; and Title 38, Section 1304-B of the Maine Revised Statutes, or any successor thereto or assignee thereof as permitted by this Agreement.~~

503.16 14 Solid Waste shall mean useless, unwanted or discarded solid materiel with insufficient liquid content to be free flowing, including by way of example, and not be limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill materiel and landscape refuse, but shall not include septage tank sludge nor agricultural or Hazardous Wastes; it shall include Acceptable Waste, Unacceptable Waste and Construction and Demolition Debris as defined herein.

503.17 15 Municipality Disposal Facilities shall mean any land or structure or combination land area and structures owned or operated by, or under a contract with, the Municipality, including a transfer station or similar facility used in connection with the disposal of acceptable waste, whether such facilities are constructed before or after the completion of the ECO Maine any designated Disposal Facilities.

503.18 16 Municipality shall mean the Municipality of Ogunquit.

503.19 17 Unacceptable Waste shall mean that portion of Solid Waste which is not acceptable Waste and includes, but is not limited to, sewage and its derivatives, Construction and Demolition Debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.

504 Public Solid Waste Disposal Facilities

504.1 In accordance with the provisions of Title 38 M.R.S.A. Section 1304-B, as amended from time to time, the Municipality ~~hereby~~ will designate a disposal facility ~~the ECO Maine Disposal Facility at 64 Blueberry Road Portland, Maine and the Municipality Disposal Facilities~~ as its public solid waste disposal facilities for the purposes cited in this Ordinance, and designates ECO Maine as its public solid waste disposal facility for Construction and Demolition Debris. ~~The dumping or disposing by any person at any place other than at the Municipality Disposal Facilities or ECO Maine of any Acceptable Waste generated within the Municipality is prohibited except as otherwise provided in this Ordinance, and, subsequent to receipt by the Municipality of notice from ECO Maine of commencement of operations of the ECO Maine Construction and Demolition Debris Disposal Facility, the dumping or depositing by any person at any place other than the ECO Maine Construction and Demolition Debris Facility of any Construction and Demolition Debris generated within the Municipality is prohibited except as otherwise provided in this Ordinance.~~

504.2 Nothing in this Ordinance shall prohibit the Municipality from its continued use of a Stump/Demolition Area as described in a Lease Agreement between the Municipality and Leonard W. Wyman dated March 4, 1980, as amended on May 13, 1982, March 7, 1989, and December 29, 2003, or for the Municipality exercising any option for the disposal within the Municipality of leaves, trees, tree limbs and other wood waste.

504.3 The owner of any lot, or any other person with the permission of the lot owner, may deposit or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to State or local land user regulations.

505 Administration

505.1 The Board shall establish the rules and regulations governing the availability and use of the designated public solid waste disposal facilities.

505.2 The operation of the designated public solid waste disposal facilities shall conform to all pertinent regulations or directives of all local, county, State or federal agencies which may have jurisdiction.

506 Restrictions and Fees for Disposal

506.1 No person, firm or corporation shall permanently dispose upon any land within the corporate limits of the Municipality solid waste of any kind

generated within the Municipality, unless such land has been designated by the Municipality as a Public Solid Waste Disposal Facility.

- 506.2 Certain materials may be excluded by regulation from that solid waste which may be deposited at the Public Solid Waste Disposal Facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Municipality deems necessary to exclude. Hazardous wastes shall be handled in accordance with Title 38 M.R.S.A. Section 1319-0 as amended from time to time.
- 506.3 Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the Municipality other than leaves, trees, tree limbs and other wood waste.

507 Rules and Regulations

- 507.1 The availability and use of the designated public solid waste disposal facilities shall be limited to residents of the Municipality and to those residents of any other municipality which may, by mutual agreement, be authorized to use the designated public solid waste disposal facilities. As a means of user control, the Municipality shall distribute vehicle permits to authorized users, which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.
- 507.2 The Municipality shall require solid waste to be separated into such categories as may be established by Municipal regulation and disposed of only in such manner and at such sites and locations as designated.
- 507.3 Any solid waste deposited within the designated public solid waste disposal facilities shall become the property of the Municipality or ~~ECO~~ ~~Maine~~ **any waste disposal facility** pursuant to the terms of ~~said~~ ~~any~~ Waste Handling Agreements. No one shall salvage, remove or carry off any such deposited solid waste without prior approval of the Municipality.

508 Commercial or Residential Refuse Collectors

- 508.1 No commercial or residential refuse collector shall collect, recycle or haul solid waste within the boundaries of the Municipality without first obtaining an annual license therefore as provided in Title III, Chapter 4, Section 405.4 of the Ogunquit Municipal Code (Solid Waste Ordinance).

All licenses shall expire as of May 31, unless revoked or suspended Pursuant herein in Chapter V, Section 507, Rules and Regulations.

All renewal licenses shall be applied for by June 1, and if granted, will be effective on August 1. Any person applying for a license shall provide satisfactory proof of irrevocable liability insurance with the Town of Ogunquit named as an additional insured in the amount of \$1,000,000.

- 508.2 Any person wishing to obtain a commercial or residential refuse collection License shall present a written application therefore on a form provided by the Town, accompanied by payment of a fee as set by the Select Board by order and evidence of a waste hauling agreement between the applicant and ~~ECO Maine~~ **any designated disposal facility** for disposal of Ogunquit solid waste collected or transported by the applicant from the date the application is filed and throughout the upcoming permit year. A Commercial or Residential Refuse Collector Permit shall be issued by the Municipality's Clerk ("Issuing Agent". All fees collected shall be for the use of the Municipality.

For the licensing year commencing on July 1, 2011, and for each subsequent year, thereafter, the applicant for a commercial or residential refuse collector license must submit the written application and all required supporting documentation, ~~including but not limited to the valid existing contract with ECO Maine~~ on or before July 1 immediately preceding the commencement of the license year.

- 508.3 An application for a Commercial or Residential Refuse Collector License shall contain the following information:
- 508.3.1 Applicant's name;
 - 508.3.2 Applicant's residence;
 - 508.3.3 Address of the applicant's place(s) of business;
 - 508.3.4 If the applicant is a corporation, the names and addresses of each of its directors and officers;
 - 508.3.5 A description of the vehicle(s) and equipment to be used; Including the make, model, year of manufacture and License plate number of said vehicle(s) and equipment;
 - 508.3.6 Whether the applicant is collecting, recycling or hauling solid waste generated by residences, by commercial activities or uses and/or by individual activities or uses; if the applicant intends to collect, recycle or haul solid waste generated by commercial and/or industrial activities or uses, the applicant shall describe the location of any

dumpster(s) or other container(s) used by the commercial or industrial activity or used to store solid waste along with the serial number, if any, on such dumpster(s) or container(s). No later than the 15th of each month, each permitted commercial or residential refuse collector shall provide the Issuing Authority with updates for the previous month of the application information required by this Section 508.3.6;

508.3.7 A copy of the hauler's current license with the Department of Environmental Protection (DEP); and

508.3.8 A copy of the current Waste Handling Agreement with ~~ECO Maine~~ **any designated disposal facility**, as required by Section 508.2.

~~508.4 A copy of each Commercial or Residential Refuse Collector Permit issued and each application, thereof, and of each monthly update shall be sent by the Municipality to ECO Maine.~~ No person shall collect or transport solid waste, including but not limited to garbage and recyclables, generated within the Municipality without obtaining a refuse hauler permit from the Municipality and paying the required fee. Such permits shall be subject to the terms and requirements set forth in this Section.

508.5 All licensed Commercial or Residential Refuse Collectors shall comply with such rules and regulations as the Select Board may adopt by order from time to time; failure to comply with such rules and regulations shall be a violation of this Ordinance. Each licensed Commercial or Residential Refuse Hauler shall send ~~ECO Maine~~ **any designated disposal facility**, a copy of each Category A manifest that it provides to the DEP pursuant to Chapter 411, Section 6 of the Department's Rules, as amended from time to time.

508.5.1 All licensed Commercial or Residential Refuse Collectors must pay all invoices from the Town of Ogunquit within fourteen (14) days or the Town may charge interest to the unpaid portion of the invoiced amount in an amount not to exceed the maximum interest rate allowed in the then current year for municipal real estate taxes. If an invoice or any portion thereof, remains unpaid after four (4) months, violation of the license shall exist and the licensed Refuse Collector will be subject to penalties under Section 508.6 including the possibility of license suspension and revocation.

508.6 License Denial, Revocation or Suspension

508.6.1 Licenses and renewals of licenses issued under Section 508 through 508.4, hereunder, may be denied, revoked or suspended by the Issuing Authority, as follows:

508.6.1.1 The first violation by a licensed Commercial or Residential Refuse Collector of any provision or provisions of this Ordinance shall result, in addition to any penalty or relief that the Municipality may seek under Title III, Chapter 4, Section 410 of the Municipal Code, in a thirty (30) day suspension of that Commercial or Residential Collector's License, or if on the date of the first violation, said License shall expire in less than thirty (30) days, the revocation of said license.

509 Miscellaneous

- 509.1 The Board shall establish, by order, a schedule of permit fees to be charged to commercial refuse collectors operating within the boundaries of the Municipality of Ogunquit, which schedule shall be posted and published. All fees collected shall be for the use of the Municipality. Any license granted hereunder may be revoked upon any violation of this Ordinance. The Board may also require any person who utilizes the public solid waste disposal facility, to pay a disposal fee directly to the facility.
- 509.2 It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.
- 509.3 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
- 509.4 If any section, subsection, sentence or part of the ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.
- 509.5 Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100) per violation, plus costs and attorneys' fees, which fines shall be recovered on complaint to the use of the Municipality. The Board shall also be authorized to order the cleanup of any Solid Waste disposed of in

violation of this Ordinance, and if the violator fails to clean up this Solid Waste after thirty (30) days notice, the Municipality may on its own initiative provide for the clean up, and recover the expense from the violator, including all court costs and attorney's fees.

510 Effective Date

This Ordinance shall become effective immediately upon adoption by the citizens of the Municipality.

Enacted: 12/17/85 STM

Amended: 08/15/89 STM

Amended: 06/14/11 ATM

APPENDIX I
OGUNQUIT MUNICIPAL CODE
PUBLIC SERVICE ORDINANCE

Transfer Station Rules and Regulations

1. Recycling is **encouraged** - Recycled waste is **FREE**.
2. Trash will be accepted **only** if it is generated from within the boundaries of the Town of Ogunquit.
3. **Transfer Station Permit/Beach Pass** – Users of the Transfer Station must have a disposal permit/beach pass affixed to the windshield of their vehicles. Users of the Transfer Station will be charged, per posted schedule fees, and are subject to change.
4. **Disposal Permit** - Debris from building construction or demolition will require a **temporary** disposal permit, which can be obtained from the Town Office. Fees for disposal, per the posted Schedule.
5. Commercial haulers must have a Commercial Hauler's Permit. Fees for disposal, per posted Schedule.
6. Any person who has not paid, in full, all required disposal fees within thirty (30) days of the issuance of an invoice, therefore, will not be permitted to use the Transfer Station until such time as the outstanding account balance is paid in full. Any person, whose use of the Transfer Station has been so terminated, for lack of timely payment, shall surrender that person's disposal permit to the Transfer Station attendant, upon demand. **(BOS 8/21/01)**

APPENDIX I

Rules Adopted on February 4, 1997

Effective March 3, 1997

Amended August 21, 2001

Amended June 14, 2011

APPENDIX II

Fees adopted on February 4, 1997

Effective March 3, 1997

Amended March 12, 1997

Amended August 21, 2001

Amended June 1, 2004

Amended April 17, 2012

APPENDIX II
OGUNQUIT MUNICIPAL CODE
Public Service Ordinance

Solid Waste Disposal Fee Schedule

HOUSEHOLD WASTE COMPACTOR

Uncompacted Loose Waste	\$.10/lb.	
Bagged/Barrel Household Waste	One free 30-33 gallon trash bag/barrel disposal per day	
Each additional 30-33 gallon bag disposal	\$1/bag	
30-33 Gallon Cans	\$1/Each	
Larger than 30-33 Gallons/Barrels	\$2/Each	
Non-Permitted Rentals	\$2/Each	

BULKY WASTE TRANSFER STATION

Air Conditioners	\$20/Ea.	
Brush/Landscape	\$5.00 P/U Load	
Car Tires	\$ 3/Ea.	Max. 4/Day
Carpets (Weighed)	\$.10/lb.	
Compostable Leaves	FREE	
Couches, Chairs, etc.	\$10/Ea.	Max. 2/Day
Electronics		
DVDs, VCRs, Stereos, Faxes	\$2/Ea.	
CPUs, Speakers	\$4/Ea.	
TVs, and Monitors	\$5/Ea.	
Large Floor Copiers	\$10/Ea.	
Flattened Cardboard	FREE	
Grass/Garden Waste	FREE	
Iron	\$.05/lb.	
Landscape	\$10/Small PU Load	Max. 2/Loads/Day
Mattresses, Box Springs	\$10/Ea.	Max. 2 Sets/Day
Mixed Demolition	\$.10/lb.	
Small Bag/Barrel	\$3/Ea.	
Large Bag/Barrel	\$5/Ea.	
By Weight (Large Loads)	\$.10/lb.	
Rugs (by size)	\$.10 SQ FT	Max. 2/Day
Shingles	\$.10/lb.	
Sinks/Toilets	\$ 3/Ea.	
Truck Tires	\$ 8/Ea.	Max. 2/Day
Tubs/Showers	\$ 10/Ea.	
White Goods w/Freon	\$20/Ea.	Max. 2/Day

White Goods - No Freon
Wood Waste "Clean Only"

\$10/Ea.
\$.05/lb.

Max. 2/Day
Max. 2/Loads/Day

SILVER BULLET RECYCLABLE TRAILER

Aluminum Cans	FREE
Glass	FREE
Newsprint / Magazines	FREE
Metal Cans	FREE
Office Paper (No Envelopes)	FREE
Paperboard (Cereal Boxes/Alike)	FREE
Plastic Milk Containers	FREE
Waste Oil	FREE



To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled:

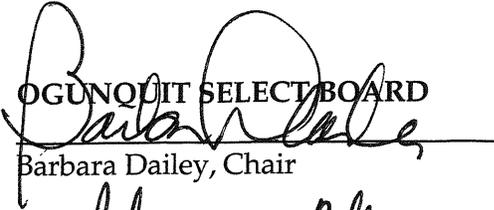
Shall an ordinance entitled **“An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 7 – District Regulations, Land Uses Permitted in Zoning Districts as it relates to Table 702.1, Fences”** be enacted?

Land Uses	OFR	RD	RR1	RR2	DB	GB1	GB2	LB	F	SHORELAND ZONES					
										SLR	SLC	SG1	SG2	SP	RP
Fence meeting the standards of Section 8.6	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Fence not meeting the standards of Section 8.6	SPR	SPR	SPR	SPR	SPR	SPR									

This amendment will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held on November 8, 2016.

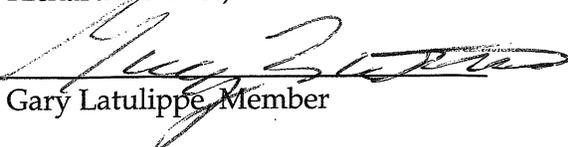
Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


John Daley, Vice Chair

Richard Dolliver, Member

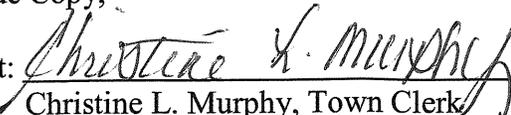

Gary Latulippe, Member

Robert Winn, Jr., Member

DATED: September 20, 2016

A True Copy,

Attest:


Christine L. Murphy, Town Clerk

10/18/2016

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled:

Shall an ordinance entitled “**An Ordinance to Amend Title X of the Ogunquit Municipal Code, Article 8 – General Standards Applicable to All Land Uses, Section 8.6.C as it relates to Fences**” be enacted?

This amendment will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held on November 8, 2016.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


John Daley, Vice Chair

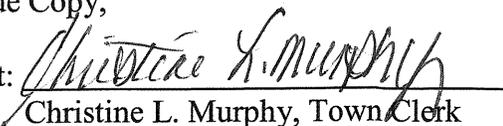
Richard Dolliver, Member


Gary Latulippe, Member

Robert Winn, Jr., Member

DATED: September 20, 2016

A True Copy,

Attest: 
Christine L. Murphy, Town Clerk

10/18/2016



MUNICIPAL OFFICES

23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875

(207) 646-5139 General Offices

(207) 646-9326 Land Use

(207) 646-9546 Town Clerk

E-mail: townofogt@maine.rr.com

September 13, 2016

To the Town of Ogunquit Select Board,

re: Proposed amendments to the Ogunquit Zoning Ordinance.

On September 12, 2016 the Ogunquit Planning Board unanimously voted to submit the attached two proposed Zoning Ordinance Amendments (Article 8.6.C – Fences and Table 702.1 Fences) to you along with a request that said amendments be presented to the voters at the November 8, 2016 Town Meeting.

These proposed amendments were discussed by the Planning Board on:

* September 12, 2016 Public Hearing which was open for public input (Notice of the Public Hearing was posted at four locations in Ogunquit – Town Hall, U.S. Post Office, Town of Ogunquit Website, and WOGT, as well as in the Portland Press Herald on August 31, 2016 and again on September 2, 2016).

The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Zoning Ordinance be included on the warrant for the November 8, 2016 Town Meeting.

Respectfully,

Steve Wilkos

Planning Board Chair

enclosures: two

pc: Thomas Fortier, Town Manager (w/ enclosures)

Christine Murphy, Ogunquit Town Clerk (w/ enclosures)

Article 8.6.C
An Ordinance to Amend the Ogunquit Zoning Ordinance

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown, in order to save space.)

Section 8.6.C.

The Planning Board may approve alternative fence materials when the request is included as part of a broader application, and; when for technical or other unique circumstances, the above materials would impose adverse impact on safety or aesthetics

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

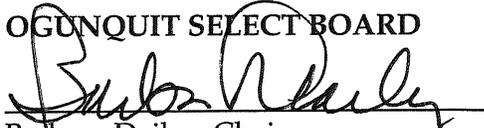
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled:

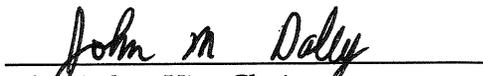
Shall an ordinance entitled "**Title XVII of the Ogunquit Municipal Code, Private Use Helicopters Ordinance**" be adopted?

This ordinance will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held on November 8, 2016.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


John M. Daley, Vice Chair

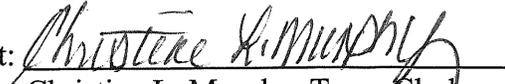
Richard Dolliver, Member


Gary Latulippe, Member

Robert Winn, Jr., Member

DATED: September 30, 2016

A True Copy,

Attest: 
Christine L. Murphy, Town Clerk

10/18/2016

**TITLE XVII
PRIVATE USE HELICOPTERS**

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TITLE XVII

PRIVATE USE HELICOPTERS

Chapter 1 Short Title & Summary

- 101 Short Title: This Ordinance shall be known and may be cited as Ordinance for Heliports.
- 102 Summary: Helicopter landings, take-offs, and hovering are prohibited within the corporate boundaries of the Town of Ogunquit unless these activities are performed at a heliport (commercial or private use) that has a Federal Aviation Administration (FAA) approval and are conducted in a manner that is compliant with the tenets of this Ordinance.

Chapter 2 Definitions

- 201 Helicopter - an aircraft whose lift is derived from the aerodynamic forces acting on one or more powered rotors turning about substantially vertical axes.
- 202 Heliport — A heliport (used privately or commercially) is an identifiable area on land, water, or a structure, including any building or facilities thereon, used or intended to be used for the landing and take-off of helicopters.
- 203 Takeoff and Landing Area — A cleared area containing a final approach and takeoff area (FATO) available for the takeoff and landing of helicopters.
- 204 Heliport Transitional Surfaces — These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline and approach surfaces.
- 205 Primary Surface — The specific area used for the landing or takeoff of helicopters. Also called a helipad, ground level, or a helideck, above ground.
- 206 Approach/Departure Surface — The imaginary surface which is centered on each designated approach and departure route. The approach surface may also serve as a departure surface.
- 207 Final Approach and Takeoff Area (FATO) — A defined area over which the final phase of the approach maneuver to hover or landing is completed and from which the takeoff maneuver is commenced.
- 208 Obstruction — Any structure, growth or other object, including a mobile object which exceeds the obstruction standard of FAR 77.23.
- 209 Structure — (Definition for this Ordinance only). An object including a mobile object, constructed or installed by a human being, including but

without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

- 210 Growth — Any object of natural growth.
- 211 Ground Effect — Improvement in flight capability that develops when a helicopter flies or hovers near the ground or other surface, resulting from the cushion of air built up between the ground and the helicopter by the air displaced downward by the rotor resulting in ground disturbance.
- 212 Wind Direction Indicator — A means of indicating wind direction, preferably a wind cone.

Chapter 3 Requirements and Approvals

No area within the incorporated boundaries of the Town of Ogunquit, shall be used for the landing of helicopters without the specific written approval of the Code Enforcement Officer, and the concurrences of the Police Department and the Fire Department of the Town of Ogunquit.

No tenet propounded herein shall contravene or circumvent the Federal Aviation Regulations as they pertain to the operation of helicopters, or the federal reporting requirements stipulated for the establishment of helicopter landing areas.

Persons proposing to construct, activate or deactivate a heliport are required to notify the FAA of their intent (currently form 7480-1). The written results of the FAA determination, and a copy of the form submitted to the FAA, shall be submitted along with any other documentation required by the Code Enforcement Officer (CEO) to the Town of Ogunquit CEO for his/her approval and the issuance of a permit for a heliport.

The CEO will assure that all criteria set forth in this Ordinance is met prior to the issuance of a heliport permit.

Chapter 4 Appeal Process

Any appeal of a decision made by the Code Enforcement Officer must take place within thirty (30) calendar days of the specific decision being appealed.

The appeal will be made in writing to the Board of Selectmen who will be required to hold a hearing within thirty (30) calendar days of the date of receipt (by the Board of Selectmen) of the appeal.

When the appeal pertains to the approval or disapproval of the landing of helicopters all residents and property owners within 500 yards of the designated area will be notified at least fourteen (14) workdays prior to the hearing of the appeal.

Upon completion of the hearing the Board of Selectmen are required to provide a decision in writing within ten (10) workdays of the hearing date.

Action times may be changed with the approval of the appellant(s) and the Board of Selectmen.

Chapter 5 Enforcement

It shall be the duty of the Code Enforcement Officer to administer and enforce the regulations prescribed herein. Applications for permits and appeals shall be made to the Code Enforcement Officer. Applications required by this Ordinance shall be promptly considered and granted or denied.

Chapter 6 Legally Existing Non-Conforming Use

This Ordinance has no legally existing non-conforming use rights. Any former, current or future use of an area for the purpose of the landing or takeoff of helicopters will be subject to the conditions of this Ordinance upon approval of the Ordinance by the Legislative body.

Chapter 7 FAA Requirements

A heliport must also have the approval of the FAA (where applicable) in accordance with Federal Aviation Regulations, Parts 157 and 77 and any other part(s) deemed applicable. An unobstructed takeoff and landing area is required by the Town of Ogunquit and must be in accordance with Federal Aviation Regulations, Volume XI, Part 77.

The ground effect of takeoffs, landings and hovering must not disturb the property, structure, or growth of an abutter, nor shall it cause an abutter to suspend or interrupt any outside activities that they perform on their property.

Chapter 8 Helipad Requirements

The primary surface (helipad) will have specific markings, at ground level (or on helideck), indicating the perimeters of the touchdown location. Markings may also include marker bushes that do not exceed two (2) feet in height. The helipad surface can vary from turf to an all paved surface and must be load bearing. An above ground primary surface (helideck) and paved helipads must have a skid resistant surface. Any helideck raised four (4) feet or more above ground/water must have a horizontal safety net installed.

Minimum lengths, width or diameter of helipad, is 1.5 times critical helicopter undercarriage length or width, whichever is greater.

The primary surface area may be located on the ground, on a water surface, or an elevated platform.

Heliports may only be located on parcels of land which contain a minimum of one (1) acre of land.

Chapter 9 Helicopter Parking and Vehicle Parking

No more than two helicopters may use heliports without specific permission of the Code Enforcement Officer. A parking area must be provided if more than one helicopter at a time is to be accommodated. The helicopter parking area should be of a size and location that parked helicopters will not obstruct the clear area for takeoffs and landings or the approach and departure routes.

Parked helicopters must be at least fifty (50') feet away from any structure, collocated on the same property that is normally occupied by people. A minimum of two hundred and fifty feet (250') is required between a parked helicopter and any structure on an abutter's property that is normally occupied by people.

Chapter 10 Fuel/Fuel Storage

No storage of fuel or fueling of the helicopter will occur at a heliport, unless the storage of fuel is currently permitted in the zone and has been inspected by the appropriate Fire Department and received approval of the Code Enforcement Officer,

Chapter 11 Wind Direction Indicator

A means of indicating wind direction is essential. The indicator should be located so as not to interfere with flight operations and yet be able to give a true indication of the wind's direction and relative magnitude at the primary surface.

Chapter 12 Take-Off and Landing

No helicopter engine start, run-up, taxiing, take-off, hovering or landings will be permitted one-half (1/2) hour after official sunset or until one-half (1/2) hour after official sunrise. Exception only for Military/Coast Guard/Medical/Police purpose.

All takeoffs, hovering and landings shall be conducted only under FAA defined visual flight rule (VFR) weather conditions.

All heliports shall have tie-down capabilities to secure all parked helicopters during adverse weather conditions.

Helicopter hovering or landings are only allowed on land located West of Route One, with the exception of those activities found in Section 13.

Helicopter hoverings and landings shall not occur on the Ogunquit Beach or within any area of the Ogunquit River with the exception of those activities found in Section 13.

Helicopter hovering and landings shall only occur with permission from the property owner.

Chapter 13 Emergency Related Agencies

Military, Coast Guard or Police landings or takeoffs may occur at any time for emergency purposes at specified locations. Use of helicopters for medical emergency purposes may also occur with prior notification to the appropriate Fire Department. (this does not exempt any organization from meeting the requirements of this Ordinance if repetitive landings are expected.)

Helicopter landings and takeoffs associated with public safety training exercises shall be allowed anywhere in town with prior notification to the Police & Fire Departments.

The fire department should provide fire apparatus to assure safety of those concerned when these exceptions are made.

An exception may be made for the Governor of Maine upon notification of the Police and the appropriate Fire Department.

Chapter 14 Violations

Any person who violates this ordinance shall be subject to a civil penalty of two thousand five hundred dollars (\$2500). Each day a violation continues to exist shall constitute a separate offense.

Chapter 15 Waiver/Payment of Fines

Waiver/Payment of Fines: Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of Ogunquit the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the Ogunquit Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Chapter 16 Conflict of Ordinance

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirements shall govern and prevail.

Chapter 17 Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid

provision or application and to this end, the provisions of this Ordinance are declared to be severable.

Chapter 18 Effective Date

This Ordinance, upon its adoption by the Town of Ogunquit, shall become effective immediately