

WARRANT FOR SPECIAL TOWN MEETING

OF THE

TOWN OF OGUNQUIT

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

GREETINGS:

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Ogunquit, qualified by law to vote in Town affairs, to meet in the Dunaway Community Center in said Town on Tuesday, the second day of December, 1986 A.D. at seven-thirty o'clock in the evening then and there to act on Article 1 through Article 11.

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

ARTICLE 2: Shall the Town vote to enact the following amendment to Title II, Chapter 6 of the Ogunquit Municipal Code entitled "Public Sewer Usage Limitations" by repealing and replacing the existing Chapter 6 as follows?

6.A.1. Title, Purpose and Authority

6A.1.A. Title: This Chapter may be referred to as the "Public Sewer Usage Limitation Ordinance".

6.A.1.b Purpose: The Ogunquit Sewer System is inadequate to meet the current and anticipated needs of the Town for the disposal of domestic and commercial sewage. The peak capacity of pump number 1 of 1.2 million gallons per day is met or exceeded by the demand in the summer; springtime flows push the system beyond its limits causing overflow conditions; groundwater is infiltrating the system; sump pumps add significant amounts of water to the system. While the Sewer District is taking steps to cure some of these problems and to increase the system's capacity, these steps cannot all be accomplished immediately and further study by the District is necessary to identify all problems and solutions. Accordingly it is the intent of this Ordinance that new or additional sewage be discharged into the system in moderate amounts to permit some growth but to insure that any excess capacity which develops is portioned out fairly and over a period of time until the District has taken all steps necessary to cure the system's problems and significantly increase its capacity.

6.A.1.c Authority: This Ordinance is enacted pursuant to the authority delegated to the Town by M.R.S.A. Const. Art. VIII, Pt. 2, §1, 30 M.R.S.A. and §1917 and 30 M.R.S.A. §2151.

6.A.2. Definitions:

Residential Facility: Residential Facility means a residential dwelling unit primarily used or intended to be used to house a single family or single group of persons on a seasonal or year-round basis such as a single family home, two family home and multi family home.

Development: Development means the placement, erection, construction, reconstruction, replacement, repair or enlargement of any structure and any land use.

Non Residential Facility: Non Residential Facility means anything which is not a Residential Facility.

Department Approval: The Code Enforcement Office shall be the Department in determining the pre-existing gallorage.

ARTICLE 2 (Continued)

- 6.A.3. Permits Required: No Board, agency, officer, official or employee of the Town Hall shall issue any permit, license or approval for any development which would result in the discharge of additional sewage into the Ogunquit Sewer District System unless the applicant holds a valid Sewer User Permit (s) for such development issued by the Code Enforcement Officer.
- 6.A.3.a Annual Limitations on Number of Permits: The Code Enforcement Officer may issue no more than that number of Sewer User Permits each calendar year which will have the cumulative effect of discharging 7,500 gallons of additional sewage per day from ~~commercial facilities~~ non residential facilities and 6,000 gallons per day from residential facilities into the Ogunquit Sewer District System. In determining the amount of sewage likely to be discharged from a development, the Code enforcement Officer shall be guided by the criteria for Subsurface Wastewater Disposal established by the State of Maine Department of Human Services, Division of Health Engineering. However, for the purpose of Non-Residential development, the Code Enforcement Officer shall use the State of Maine, Department of Human Services Division of Health Engineering, Subsurface Wastewater Disposal Rules, Section 7, B. (1) (b) "Department approval of documented water utility meter readings for a 12 month period", in determining the gallonage that is pre-existing on the lot, if any. It shall be the responsibility of the developer to supply that documentation.
- 6.A.4. Limitation of Number of Permits Per Entity: No person, firm, corporation or other legal entity, or their affiliates, shall be entitled, in any one year to permits for non residential facilities generating more than 2,500 gallons of sewage per day or for ~~domestic~~ residential facilities generating more than 900 gallons of sewage per day. For the purpose of this paragraph, affiliates are those entities in which the applicant has a direct financial interest.
- 6.A.5. Administration: Applications shall be on such forms and shall provide such information as the Code Enforcement Officer, and shall deem necessary to insure compliance with this Ordinance. Applications shall be on forms provided by the Code Enforcement Officer, and shall be accompanied by plans that comply with the requirements of the Ogunquit Zoning Ordinance.

Applications shall be accompanied by a non-refundable fee of One Hundred Dollars (\$100) for every 450 gallons or portion thereof for which the permit is sought. This fee shall be refunded if the permit is not granted.

Applications shall be processed on a first come, first-serve basis. Applications for permits which are not granted shall not be carried over to the next year but they may be resubmitted. If at any time there are simultaneous applications for more permits than there are permits available, the order of processing shall be determined by lottery. Completed applications as described above, shall be processed on a first come, first-serve basis at any time, and shall be filed by number in the Code Enforcement Office. Any subsequent changes to the plans described in 6.A.5. paragraph 1, that will result in the discharge of additional sewage into the Ogunquit Sewer System, will be filed as of the date of acceptance as a new application by the Code Enforcement Officer and the previous application and file number will be forfeited.

ARTICLE 2 (Continued)

6.A.5. (continued)

Any sewage gallonage capacity for which permits have not been issued and any such gallonage capacity for which permits have been issued but which permits expire, shall be carried over to the next calendar year and added to the gallonage capacity in that year shall be re-issued to the next applicant by file number.

6.A.6. Expiration of Permits: Permits issued hereunder shall expire if construction of the development for which each permit is issued has not commenced within six (6) months of the permit being issued or if the development is not substantially completed within one (1) year of the permit being issued, except that the Board of Appeals may extend the life of such permits if the holder is able to demonstrate that he has been delayed in his development by natural conditions beyond his control or that he has been diligently pursuing other licenses required for the development but has not yet received approval through no fault of his own.

6.A.7. Non Transferability: Permits issued hereunder may not be transferred to other development projects on other real estate but shall run with the real estate which is the subject of the proposed development for which the permit is issued.

6.A.8. Applicability: The requirements of this Ordinance shall apply to all applications for permits for development which have not received substantive review by the Board or Official responsible for issuing such permits.

6.A.9. Appeal: Decisions of the Code Enforcement Officer, under this Title, may be appealed to the Board of Appeals as an Administrative Appeal.

6.A.10. Expiration of Ordinance: This Ordinance shall take effect immediately upon its enactment. It shall expire on December 31, 1988 unless the voters, after review of adequacy of the Ogunquit Sewer District System, decide to extend this Ordinance to a date certain.

ARTICLE 3: Shall the Town vote to authorize the Board of Selectmen to purchase a replacement icebreaker for Perkins Cove and to expend up to Ten Thousand Dollars (\$10,000) from surplus to pay for it and for modifications as necessary prior to use?

ARTICLE 4: Shall the Town vote to transfer the sum One Thousand, Six Hundred Four Dollars and Eighty Cents (\$1,604.80) from surplus and authorize the payment of it to Richard Prescott for work performed on the Perkins Cove Draw-Bridge between July, 1975 and October, 1984?

ARTICLE 5: Shall the Town vote to transfer the sum of Four Hundred Twenty-Two Dollars (\$422) from surplus to the Perkins Cove Drawbridge Account?

ARTICLE 6: Shall the Town vote to transfer the sum of Two Thousand Two Hundred Dollars (\$2,200) from surplus to the General Government Administration Account?

ARTICLE 7: Shall the Town vote to transfer the sum of Twenty Thousand Dollars (\$20,000) from surplus to the Legal Fees Account?

ARTICLE 8: Shall the Town vote to transfer the sum of Eight Hundred Dollars (\$800) from surplus to the Clerk/Treasurer Account?

ARTICLE 9: Shall the Town vote to transfer the sum of One Hundred Dollars (\$100) from surplus to the Summer Programs Account?

ARTICLE 10: Shall the Town vote to transfer the sum of Two Thousand Dollars (\$2,000) from surplus to the Perkins Cove Account?

ARTICLE 11: Shall the Town vote to transfer up to Five Thousand Dollars (\$5,000) from surplus and authorize its use along with funds already appropriated to purchase new overhead doors for the Ogunquit Fire Station?

The Board of Selectmen hereby give notice that the meeting will be held at seven-thirty o'clock in the evening of said day. Given under our hands this twenty-first day of November, 1986 A.D.

John F. Miller, Chairman

Thomas J. Bresnahan

Thomas J. Bresnahan

Michael R. Goddard

Michael R. Goddard

Albert A. Sakey

Albert A. Sakey

Dennis E. Andrews

Dennis E. Andrews

TOWN OF OGUNQUIT  
BOARD OF SELECTMEN

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

Pursuant to warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the twenty-first day of November, 1986, A.D. a copy of the within warrant at the Dunaway Community Center, Village Food Market and Ogunquit Post Office, those being three (3) conspicuous and public places in said Town.

William P. Hancock, Jr.  
William P. Hancock, Jr.  
Chief of Police  
TOWN OF OGUNQUIT

A TRUE COPY:  
ATTEST:

Madeline D. Brown  
Madeline D. Brown, CMC  
TOWN OF OGUNQUIT