

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 seventeenth day of December, 1985, A. D. at 7:30 o'clock in the evening, then and there to vote on Article 1 through 10.

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

ARTICLE 2: Shall the Town vote to amend Title III of the Ogunquit Municipal Code by adding the following new Chapter 5 entitled, "An Ordinance Relating to the Disposal of Solid Waste within the Town of Ogunquit, Maine; Prescribing Rules and Regulations Therefore; Providing Penalties for Violation Thereof":

501 Short Title: This Ordinance shall be known as and may be cited as "An Ordinance Relating to the Disposal of Solid Waste within the Town of Ogunquit, Maine; Prescribing Rules and Regulations Therefore; Providing Penalties for Violation 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 Ogunquit, Maine; 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 Town of Ogunquit in accordance with the provisions of 38 M.R.S.A. 1304-B as amended.

503 Definitions. For the purposes of this Ordinance, the following definitions shall be observed in the construction of this Ordinance.

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

503.2 "Board" shall mean the Board of Selectmen of the Town of Ogunquit, Maine.

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

503.4 "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 Town of Ogunquit and Regional Waste Systems, Inc. (RWS).

503.5 "Infectious Waste" shall include those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to 38 M.R.S.A. 1304.

ARTICLE 2 (Continued)

503.6 "Municipality" shall mean the Town of Ogunquit, Maine.

503.7 "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.

503.8 "Solid Waste" shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitations, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septage tank sludge nor agricultural or hazardous wastes.

503.9 "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 or disposing of solid wastes.

504 Municipal Solid Waste Disposal Facility

504.1 In accordance with the provisions of 38 M.R.S.A. 1305, the Town hereby designates the Regional Waste Systems facility, 64 Blueberry Road, in Portland, Maine and its Municipal Transfer Station located on Berwick Road in Ogunquit, Maine as its public solid waste disposal facility for the purposes cited in 503.9 of this Ordinance. Subsequent to completion of the Disposal Facility or such other date as may be established by the Board, the dumping or depositing of any solid waste generated within the Municipality by any person at any place other than at this designated disposal facility or approved transfer station is prohibited, provided, however, that 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 other similar material for fill purposes only, subject to state or local user regulations.

505 Administration

505.1 Governing Board. The Board shall establish the rules and regulations governing the availability and use of the disposal facility.

505.2 The operation of the disposal facility 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 Restrictions. No person, firm or corporation shall permanently dispose of waste or refuse of any kind upon any land within the corporate limits of the Municipality unless such land has been designated as a solid waste disposal facility by the Board of Selectmen.

506.2 Certain materials may be excluded by regulation from those refuse materials which may be deposited at a solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, tree and tree trunks and limbs, 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 38 M.R.S.A. 1301 et. seq. as amended.

ARTICLE 2 (Continued)

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 trees, tree limbs, leaves and other wood waste.

507. Rules and Regulations

507.1 Authorized Disposal Facility Users. The availability and use of the disposal facility 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 disposal facility. 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 Resource Recovery. The Municipality may require solid waste to be separated into such categories as may be established by regulation and disposed of only in such manner and at such sites and locations as may be designated by the Board of Selectmen.

507.3 Property Rights. Any solid waste deposited within the disposal facility shall become the property of the Municipality or RWS, Inc. pursuant to the terms of said Waste Handling Agreement. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the Municipality.

508. Miscellaneous

508.1 The Board may establish by order a schedule of license fees to be charged to commercial refuse collectors for the use of the disposal facility 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.

508.2 It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.

508.3 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

508.4 If any section, subsection, sentence or part of this 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.

508.5 Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100) plus costs which fine shall be recovered on complaint to the use of the Municipality.

509. Effective Date

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

ARTICLE 3 Shall the Town vote to adopt the following revision to Section 304 of Title III of the Ogunquit Municipal Code:

304. Restoration of Excavated Areas

Any person, individual, company or corporation or any agent, servant or employee of any such person, company

ARTICLE 3 (Continued)

or corporation who intends to cut open a public sidewalk or roadway within the Town of Ogunquit in order to connect into a sewer or other utility or for any other reason must first obtain a permit from the Town Manager. It will be the responsibility of the permit holder or his agent to restore the sidewalk or roadway to the same condition as it was prior to the excavation. In order to ensure that such restoration is completed, the Town Manager may require a bond or other guarantee as a condition to the granting of the permit which bond or other guarantee will be used by the Town to complete the restoration if it is not completed by the permit holder or by his agent. The bond or other guarantee (or any remaining portion of it) shall be returned to the permit holder or to his agent when the restoration has been completed to the satisfaction of the Town Manager and the Road Commissioner. The amount of the bond or other guarantee shall be determined by the Town Manager but it will be only large enough to reasonably ensure the ability of the Town to complete the restoration should it become necessary for the Town to do so.

ARTICLE 4 Shall the Town vote to replace the present Zoning Ordinance exclusion and allow manufactured housing in the One-Family Residence District, Residence District, Rural Residence District 1, Rural Residence District 2, Perkins Cove Residence District and Perkins Cove Limited Business District?

ARTICLE 5 Shall the Town vote to transfer the sum of Two Hundred Dollars (\$200) from surplus to the Insurance Account?

ARTICLE 6 Shall the Town vote to transfer the sum of Seven Hundred Dollars (\$700) from surplus to the Code Enforcement Office Account?

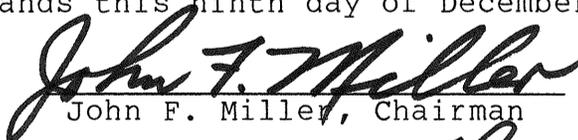
ARTICLE 7 Shall the Town vote to transfer the sum of One Thousand Dollars (\$1,000) from surplus to the Lights, Hydrants and Signals Account?

ARTICLE 8 Shall the Town vote to transfer the sum of Eighteen Thousand Dollars (\$18,000) from surplus to the Planning Board Account (Zoning Ordinance Consultant line) for the purpose of hiring a consultant to rewrite the Ogunquit Comprehensive Plan and to authorize the Board of Selectmen to hire a consultant for this purpose?

ARTICLE 9 Shall the Town vote to transfer the sum of Fifteen Thousand Dollars (\$15,000) from surplus and to authorize the Board of Selectmen to expend up to that amount, if necessary, to represent Ogunquit's interests with regard to any legislation presented in Augusta regarding the Community School District during this session of the Legislature?

ARTICLE 10 Shall the Town vote to transfer the sum of Nine Thousand Five Hundred (\$9,500.00) from surplus to the Legal Fees Account?

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 ninth day of December, 1985 A.D.


John F. Miller, Chairman

Thomas Dillon

Kenneth Young, Sr.


Thomas J. Bresnahan


Anthony Tucceri

TOWN OF OGUNQUIT
BOARD OF SELECTMEN

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

Pursuant to warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the ninth day of December, 1985, 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.
Chief of Police
TOWN OF OGUNQUIT

A TRUE COPY:
ATTES:



Madeline D. Brown, Town Clerk