

**WARRANT
FOR THE
2014 ANNUAL 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 tenth (10th) day of June 2014**, 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 Annual Town Meeting.]
- Article 2:** To elect **Two (2) Select Board Members** for a three (3) year term to commence at the conclusion of the 2014 Annual Town Meeting; term ending Annual Town Meeting 2017.
- Article 3:** To elect **Two (2) Budget Review Committee Members** for a three (3) year term to commence at the conclusion of the 2014 Annual Town Meeting; term ending Annual Town Meeting 2017.
- Article 4:** To elect **One (1) Wells-Ogunquit Community School District Trustee** for a two (2) year term to commence on July 1, 2014; term ending June 30, 2016 (fills vacancy), and **One (1) Wells-Ogunquit Community School District Trustee** for a three (3) year term to commence July 1, 2014; term ending June 30, 2017.
- Article 5:** Shall a **Charter Commission** be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?
- Article 6:** If the Town accepts the immediately preceding article, to see which, if any of the following officials are also to be elected according to the secret ballot process Title 30-A M.R.S.A. §2528:
Charter Commission Members
- Article 7:** Shall an ordinance entitled “**An act to amend Title II of the Ogunquit Municipal Code; Health, Safety & Welfare as it relates to Chapter 11 – Pesticide/Herbicide Usage on Town-owned Lands**” be enacted?

- Article 8:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Coastal Wetlands”** be enacted?
- Article 9:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Driveway”** be enacted?
- Article 10:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Normal High Water Line”** be enacted?
- Article 11:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Stream”** be enacted?
- Article 12:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Tidal Waters”** be enacted?
- Article 13:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Upland Edge of a Wetland”** be enacted?
- Article 14:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 2 - Definitions: Structure”** be enacted?
- Article 15:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 3.D.5.a. – District Boundary Locations: Zoning Map”** be enacted?
- Article 16:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Table 702.1; Land Uses – Individual Private Campsite”** be enacted?
- Article 17:** Shall the following amendment to **“Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Table 702.1; Land Uses – Accessory Uses & Structures, Misc. Uses – Recreational Vehicles and Footnote #11”** be enacted?
- Article 18:** Shall an ordinance entitled **“An act to amend Title X of the Ogunquit Municipal Code, Ogunquit Zoning Ordinance as it relates to Article 8.12 – Signs”** be enacted?

Article 19: Shall the Town vote to appropriate the sum of **\$50,000** from **Undesignated Fund Balance** to fund the Town share of the **Maine Department of Transportation Small Harbor Improvement Grant (SHIP)**?

Select Board recommends: Yes 5-0

BUDGET ARTICLES

Article 20: Shall the Town vote to raise and appropriate the sum of **\$764,024** for **General Government** expenditures? [Note: If this article is defeated, the appropriation for General Government will default to \$779,433 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0

Budget Review Committee recommends: Yes 5-0

Article 21: Shall the Town vote to raise and appropriate the sum of **\$8,000** for **Recreation Department** expenditures? [Note: If this article is defeated, the appropriation for the Recreation Department will default to \$8,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0

Budget Review Committee recommends: Yes 4-1

Article 22: Shall the Town vote to raise and appropriate the sum of **\$5,000** for the **Ogunquit Performing Arts (OPA)**? [Note: If this article is defeated, the appropriation for OPA will default to \$10,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 3-2

Budget Review Committee recommends: Yes 5-0

Article 23: Shall the Town vote to raise and appropriate the sum of **\$305,640** for **Land Use Department** expenditures? [Note: If this article is defeated, the appropriation for the Land Use Department will default to \$314,928 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0

Budget Review Committee recommends: Yes 5-0

Article 24: Shall the Town vote to raise and appropriate the sum of **\$233,432** for **Visitors Services** expenditures? [Note: If this article is defeated, the appropriation for Visitors Services will default to \$151,942 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0

Budget Review Committee recommends: Yes 4-1

Article 25: Shall the Town vote to raise and appropriate the sum of **\$1,290,657** for **Police Department** expenditures? [Note: If this article is defeated, the appropriation for the Police Department will default to \$1,325,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 26: Shall the Town vote to raise and appropriate the sum of **\$1,150,077** for **Fire-Rescue Department** expenditures? [Note: If this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,065,383 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 27: Shall the Town vote to raise and appropriate the sum of **\$135,680** for **Lifeguard Services** expenditures? [Note: If this article is defeated, the appropriation for Lifeguard Services will default to \$135,680 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 28: Shall the Town vote to raise and appropriate the sum of **\$185,750** to provide for **Utilities (Street Lights, Sewer Fees and Water Hydrants)**? [Note: If this article is defeated, the appropriation for Utilities will default to \$185,750 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 29: Shall the Town vote to raise and appropriate the sum of **\$874,734** for **Public Works Department** expenditures? [Note: If this article is defeated, the appropriation for the Public Works Department will default to \$899,383 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 30: Shall the Town vote to raise and appropriate the sum of **\$300,000** for **Transfer Station Department** expenditures? [Note: If this article is defeated, the appropriation for the Transfer Station Department will default to \$361,102 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 31: Shall the Town vote to raise and appropriate the sum of **\$119,459** for **Harbormaster Department** expenditures? [Note: If this article is defeated, the appropriation for the Harbormaster Department will default to \$113,155 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 32: Shall the Town vote to raise and appropriate the sum of **\$3,400** for **General Assistance** expenditures? [Note: If this article is defeated, the appropriation for General Assistance will default to \$3,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 33: Shall the Town vote to raise and appropriate the sum of **\$159,700** for **Insurance** expenditures? [Note: If this article is defeated, the appropriation for Insurance will default to \$168,421 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 34: Shall the Town vote to raise and appropriate the sum of **\$421,071** for **Administrative Services Department** expenditures? [Note: If this article is defeated, the appropriation for the Administrative Services Department will default to \$384,430 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 35: Shall the Town vote to raise and appropriate the sum of **\$10,085** for **Conservation** expenditures? [Note: If this article is defeated, the appropriation for Conservation will default to \$13,215 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 36: Shall the Town vote to raise and appropriate the sum of **\$58,879** for **Information Services** expenditures? [Note: If this article is defeated, the appropriation for Information Services will default to \$50,935 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 37: Shall the Town vote to raise and appropriate the sum of **\$6,900** for **Shellfish Conservation** expenditures? [Note: If this article is defeated, the appropriation for Shellfish Conservation will default to \$12,354 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 38: Shall the Town vote to raise and appropriate the sum of **\$5,523** for **Piping Plover** expenditures? [Note: If this article is defeated, the appropriation for Piping Plover will default to \$5,883 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 39: Shall the Town vote to raise and appropriate the sum of **\$500** for the **American Legion**? [Note: If this article is defeated, the appropriation for the American Legion will default to \$500 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 40: Shall the Town vote to raise and appropriate the sum of **\$1,800** for **Cemeteries**? [Note: If this article is defeated, the appropriation for Cemeteries will default to \$1,800 pursuant to Section 503 of the Town Charter].

Riverside Cemetery	\$ 500.00
Locust Grove Cemetery	\$ 500.00
Old Burying Ground	\$ 300.00
Ocean View Cemetery	\$ 500.00

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 41: Shall the town vote to raise and appropriate the sum of **\$5,000** for the **Wells-Ogunquit Historical Society**? [Note: If this article is defeated, the appropriation for the Wells-Ogunquit Historical Society will default to \$5,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 42: Shall the Town vote to raise and appropriate the sum of **\$793,486** for **Debt Management** expenditures? [Note: If this article is defeated, the appropriation for Debt Management will default to \$761,822 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 43: Shall the Town vote to raise and appropriate the sum of **\$9,000** for the **Unemployment Reserve Account**? [Note: If this article is defeated, the appropriation for the Unemployment Reserve Account will default to \$9,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 44: Shall the Town vote to raise and appropriate the sum of **\$40,000** for the **Accrued Liabilities Reserve Account**? [Note: If this article is defeated, the appropriation for Accrued Liabilities Reserve Account will default to \$40,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 45: Shall the Town vote to raise and appropriate the sum of **\$5,000** for the **Union Contract and Salary Adjustment Reserve Account**? [Note: If this article is defeated, the appropriation for Union Contract and Salary Adjustment Reserve Account will default to \$5,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 46: Shall the Town vote to raise and appropriate the sum of **\$25,000** for the **Land Conservation Reserve Account**?

[Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendation as the two (2) voter choices.]

Select Board recommends: Yes **\$25,000** 3-2
OR
Budget Review Committee recommends: Yes **\$0** 3-2

Article 47: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Public Works Vehicle Reserve Account?**

[**Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees’ recommendation as the two (2) voter choices.**]

Select Board recommends:	Yes	\$10,000	4-1
OR			
Budget Review Committee recommends:	Yes	\$0	3-2

Article 48: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Building Maintenance Reserve Account?** [Note: If this article is defeated, the appropriation for the Building Maintenance Reserve Account will default to \$0 pursuant to Section 503 of the Town Charter].

Select Board recommends:	Yes	5-0
Budget Review Committee recommends:	Yes	3-2

Article 49: Shall the Town (1) vote to approve the purchase of a **Fire Truck Pumper** for the **Fire Department** for the **replacement of the Department’s 1980 Ford Fire Truck Pumper** (the “Project”); (2) appropriate a sum not to exceed **\$370,000** 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 **\$370,000**; and (4) delegate to 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: \$ 7,861,979
 - b. Bonds authorized and unissued: \$ - 0-
 - c. Bonds to be issued if this Article is approved \$ 370,000

2. Costs
 At an estimated interest rate of 4.00% for a twenty (20) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>370,000</u>
Interest:	\$ <u>155,400</u>
Total Debt Service:	\$ <u>525,400</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 recommends: Yes 4-1
 Budget Review Committee recommends: Yes 4-1

Article 50: Shall the Town vote to (1) vote to approve the purchase of a **Monitor-Defibrillator** for the **Fire Department** (the "Project"); (2) appropriate a sum not to exceed **\$33,000** 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 **\$33,000**; and (4) delegate to 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: | \$ <u>7,861,979</u> |
| b. Bonds authorized and unissued: | \$ <u>- 0-</u> |
| c. Bonds to be issued if this Article is approved | \$ <u>33,000</u> |

2. Costs
 At an estimated interest rate of 2.00% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>33,000</u>
Interest:	\$ <u>1,980</u>
Total Debt Service:	\$ <u>34,980</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 recommends:

Yes 5-0

Budget Review Committee recommends:

Yes 3-2

Article 51: Shall the Town (1) vote to approve the purchase of a **Boom-mounted Flail Mower** for the **Public Works Department** (the “Project”); (2) appropriate a sum not to exceed **\$18,000** 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 **\$18,000**; and (4) delegate to 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: \$ 7,861,979
 - b. Bonds authorized and unissued: \$ - 0-
 - c. Bonds to be issued if this Article is approved \$ 18,000

- 2. Costs
At an estimated interest rate of 2.00% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>18,000</u>
Interest:	\$ <u>1,080</u>
Total Debt Service:	\$ <u>19,080</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

[Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees’ recommendation as the two (2) voter choices.]

Select Board recommends:	Yes	\$18,000	5-0
OR			
Budget Review Committee recommends:	Yes	\$0	4-1

Article 52: Shall the Town vote to appropriate the sum of **\$8,532** from **Undesignated Fund Balance** for the purchase of a **Generator** for the new **Public Works Building on Salt Shed Drive**?

Select Board recommends:	Yes	4-1
Budget Review Committee recommends:	Yes	4-1

Article 53: Shall the Town vote to appropriate the sum of **\$16,000** from **Undesignated Fund Balance** to **Reclaim and Repave Woodbury Lane**?

Select Board recommends:	Yes	5-0
Budget Review Committee recommends:	Yes	4-1

Article 54: Shall the Town vote to appropriate the sum of **\$45,000** from **Undesignated Fund Balance** to **Reclaim and Repave the Main Beach Road and Trolley Stop Lot**?

Select Board recommends:	Yes	5-0
Budget Review Committee recommends:	Yes	4-1

Article 55: Shall the Town (1) vote to approve a capital improvement project consisting of the **Surveillance Cameras for Perkins Cove** (the “Project”); (2) appropriate a sum not to exceed **\$16,000** 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 **\$16,000**; and (4) delegate to 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: \$ 7,861,979
 - b. Bonds authorized and unissued: \$ - 0-
 - c. Bonds to be issued if this Article is approved \$16,000

2. Costs
At an estimated interest rate of 2.00% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>16,000</u>
Interest:	\$ <u>960</u>
Total Debt Service:	\$ <u>16,960</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

[Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendation as the two (2) voter choices.]

Select Board recommends:	Yes	\$16,000	5-0
OR			
Budget Review Committee recommends:	Yes	\$0	4-1

Article 56: Shall the Town (1) vote to approve a capital improvement project consisting of the **upgrade fire alarm system at the Dunaway Community Center** (the "Project"); (2) appropriate a sum not to exceed **\$18,000** 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 **\$18,000**; and (4) delegate to 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: \$ 7,861,979
 - b. Bonds authorized and unissued: \$ - 0-
 - c. Bonds to be issued if this Article is approved \$ 18,000

2. Costs
 At an estimated interest rate of 2.00% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>18,000</u>
Interest:	\$ <u>1,080</u>
Total Debt Service:	\$ <u>19,080</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 recommends:	Yes	5-0
Budget Review Committee recommends:	Yes	5-0

Article 57: Shall the Town vote to appropriate **\$1,425,000** from **anticipated parking lot revenues** to fund the **2014-2015** fiscal year budget?

Select Board recommends: Yes 5-0

Article 58: Shall the Town vote to collect and appropriate the estimated amounts in Town **Generated Revenue** and **State Revenue** in the amount of **\$1,054,824** to reduce the amount to be raised by taxation?

Select Board recommends: Yes 5-0

Article 59: Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

Article 60: Shall the Town vote to increase the property tax levy limit established for Ogunquit by State law in the event that the municipal budget approved for fiscal year **2014-2015** will result in a tax commitment that is greater than the property tax levy limit?

Article 61: Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A. §3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5,

2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

Article 62: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Select Board to spend such funds for the purposes intended as allowed by law?

Article 63: Shall the Town vote to fix the date when property taxes shall be due and payable as follows:

- One-half (1/2) of the tax commitment shall be due 45 days after the commitment; on or about October 31,
- The other one-half (1/2) of the tax commitment shall be due on or about April 30; and further
- Interest at the rate of seven-percent (7%) per annum shall be charged for taxes not paid by the established due date(s).

Article 64: Shall the Town vote to pay no more than three-percent (3%) per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town's annual overlay, or if necessary, against the Town's **Undesignated Fund** balance?

Article 65: Shall the Town vote to authorize the Select Board to **make one of the following decisions for each Tax Lien Acquired Property?**

1. To dispose of the property by allowing the immediate former owner, or the immediate former owner's estate, to buy back title to the property from the Town. Buy-back of the property shall require: payment of all taxes due plus interest and lien costs; payment of all other costs, and satisfaction of all other conditions established by the Select Board.
2. To dispose of the property by public sealed bid auction or other public process.
3. To dispose of the property by conducting a limited public sale among the parties who own property that directly abuts this property.
4. To hold Town title to the property.

Article 66: Shall the Town authorize the Treasurer to waive foreclosure on a Tax Lien, leaving the Tax Lien Mortgage in full force and effect as provided for in 36 M.R.S.A. 944 (1)?

Article 67: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Select Board may deem to be in the best interests of the Town as otherwise allowed by law?

Given under our hands this **15th day of April 2014**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the Municipal Officers:

OGUNQUIT SELECT BOARD

Barbara Dailey, Chairperson

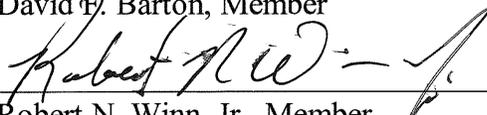
Christopher M. Jaroachim, Vice-Chairman



John M. Daley, Member



David F. Barton, 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: _____

Town of Ogunquit
Municipal Officers' Certification of Official Text of a
Proposed Ordinance [30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Ogunquit:

We hereby certify to you that the documents to which we have affixed to this Certificate is a true copy of the official text of "**Proposed Amendments to the Ogunquit Zoning Ordinance**," which is to be presented to the voters for their consideration on June 10, 2014.

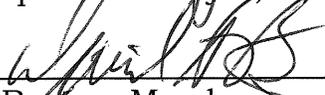
Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 1, 2014

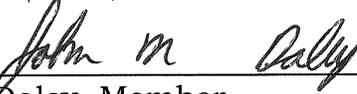
Barbara Dailey, Chair



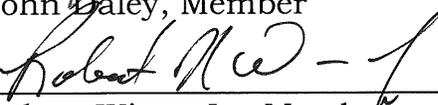
Christopher Jarochym, Vice Chair



David Barton, Member



John Daley, Member



Robert Winn, Jr., Member

OGUNQUIT

Beautiful Place by the Sea

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

Thomas A. Fortier
Town Manager

March 25, 2014

To The Ogunquit Select Board,

re: Proposed amendments to the Ogunquit Zoning Ordinance.

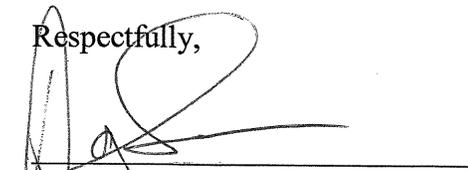
On March 24, 2014 the Ogunquit Planning Board unanimously voted to submit the following proposed Zoning Ordinance Amendments to you along with a request that said amendments be presented to the voters at the June 2014 Town Meeting:

1. Article 2 – Definitions
 - Driveway
 - Coastal Wetlands
 - Normal High Water Line
 - Stream (specifically Leavitt Stream)
 - Structure
 - Tidal Waters
 - Upland Edge of a Wetland
2. Article 3.D.5.A – District Boundary Locations – Zoning Map
3. Table 702.1 – Land Uses – Individual Campsites
4. Table 702.1- Land Uses – Accessory Uses & Structures, Misc Uses – Recreational Vehicles and Footnote #11
5. Article 8.12 – Signs.

Due to deadline considerations the Planning Board also requests that the Select Board obtain legal advice, and hold the required Public Hearing on this matter.

The Planning Board hereby respectfully requests that the proposed, enclosed amendments to the Ogunquit Zoning Ordinance be included on the warrant for the June 2014 Town Meeting.

Respectfully,



Don Simpson
Planning Board Chair

enclosure: as noted

pc: Thomas Fortier, Town Manager (w/ enclosure)
Christine Murphy, Ogunquit Town Clerk (w/ enclosure)

Article 2 – Definitions

New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Coastal Wetland

All tidal and subtidal lands; all lands below any identifiable debris line left by tidal action, all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat, and any swamp, marsh, bog, beach, flat, or other contiguous low land which is subject to tidal action during the maximum spring tide levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), of ~~Elevation 11 feet above mean sea level~~ as determined by a land surveyor based on the nearest USGS benchmark, as defined by this Ordinance. Coastal wetlands include all areas effected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the maximum spring tide are all considered to be coastal wetlands. Coastal wetlands may include portions of coastal sand dunes.

Article 2 – Definitions

New language underlined, language to be removed struck through.

Draft 1 – March 24, 2014

Driveway

A vehicular access-way serving not more than two ~~lots containing~~ dwelling units, or leading to the parking area of nonresidential uses on only one lot. Within any Shoreland Zones, driveways over five hundred (500) feet in length, or serving more than two dwellings, shall be regulated as roads, for the purposes of enforcing the provisions of section 9.15.

Article 2 – Definitions

New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Normal High Water Line

That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland and not the edge of the open water. In the case of land adjacent to tidal waters, the normal high water line shall be considered to be the Maximum Spring Tide Levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), ~~contour line at an elevation 11.0 feet above mean sea level~~ as determined by a land surveyor based on the nearest USGS benchmark.

Article 2 – Definitions

New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Stream

...

Leavitt Stream - ~~The upper portion beginning at the western boundary of Map 15 Lot 55B and running westward up to its headwaters; as well as the lower portion where it emerges from underground at the Town's lower beach parking lot; As depicted on the official zoning map.~~

...

Article 2 – Definitions

New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Tidal waters

All waters affected by tidal action during the maximum spring tide levels
as identified in the tide tables published by the National Ocean Service
(Highest Annual Tide or HAT), ~~defined as an elevation of 11 feet above~~
~~mean sea level~~ as determined by a land surveyor based on the nearest USGS
benchmark.

Article 2 – Definitions

New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Upland Edge of a Wetland

The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT), ~~or the contour line with an elevation 11 feet above mean sea level~~ as determined by a land surveyor, whichever is higher, based on the nearest USGS benchmark. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Article 2 – Definitions
New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Structure

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, small wind energy systems, carports, decks, arbors, pergolas, and other building features. Outside of any Shoreland Zone, the following items shall be exempted from the definition of a structure: signs, sidewalks, walkways, heat pumps, emergency generators, fences, walls, flagpoles less than 35 feet in height, patios, driveways, and parking lots including accessory bumpers and wheel stops.

Within any Shoreland Zone only the following items shall be exempted from the definition of a structure: fences, heat pumps, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. Within any Shoreland Zone, the term structure shall include structures temporarily or permanently located such as decks, patios, and satellite dishes.

Article 3.D.5.a – District Boundary Locations: Zoning Map
New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

...criteria for the Shoreland Limited Commercial or Shoreland General Development need not be included within the Resource Protection District.

a. In non-tidal shoreland areas, the land area below the upland edge or high water line of any freshwater wetland, river or stream. In tidal shoreland areas, the Resource Protection District shall be defined as being the area below the Maximum Spring Tide Levels as identified in the tide tables published by the National Ocean Service (Highest Annual Tide or HAT) ~~a contour line at an elevation 11 feet above mean sea level~~ as determined by a land surveyor based on the nearest USGS benchmark.

Table 702.1 – Land Uses – Individual Private Campsite
New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

Land Uses	OFR	RD	RR1	RR2	PCR	DB	GB1	GB2	LB	F	Shoreland Zones					
											SLR	SLC	SG1	SG2	SP	RP
Individual private campsite*	NP	C	C	C	NP	NP	NP	NP	NP	C	<u>NP</u>	NP	NP	NP	<u>NP</u>	<u>NP</u>

Table 702.1 – Land Uses – Accessory Uses & Structures, Misc. Uses - Recreational Vehicles and Footnote #11
New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

ACCESSORY USES & STRUCTURES, MISC. USES																
<u>Recreational Vehicles</u>	<u>NP</u>															

Foot note 11. Storage of recreational vehicles shall be exempt.

Article 8.12- Signs
New language underlined, language to be removed struck through
Draft 1 – March 24, 2014

A. General.

1. All signs in the Town of Ogunquit shall meet the following standards.
 - a. No business or residential signs may be erected, altered, or relocated without issuance of a permit from the Code Enforcement Officer. Before issuing a permit the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12 and all permits issued thereto.
 - b. All business and residential signs shall be made of wood, metal or high density urethane board and may include raised or appliquéd wooden lettering or other graphics. The finished graphics of these signs may be carved, painted or of a vinyl material that resembles paint. Signs may not be surfaced with fluorescent or day-glow colors or other reflective material. Gold Leaf is permitted. The only exception from these material standards shall be for awnings or advertising signs, as provided by Section 8.12.B below, or for temporary commercial signs, as provided by Section 8.12.A.1.f below.
 - c. Illumination is permitted only by steady, uncolored, external lighting.
 - d. Signs shall be a maximum of 15 feet high.
 - e. The measurement of sign area shall be based upon the outer perimeter of all boards, panels or sheets of materials as well as the spaces between these materials, but does not include the supporting posts or structural element outside the limits of such perimeter which does not form an integral part of the display. Only one side of a two-sided sign shall be counted in the calculation of allowable sign area. In determining the area of wall signs, the entire area within a continuous perimeter enclosing the extreme limits of the actual letters and characters shall be measured. The area of background color will also be included if it differs from the color of the building itself.
 - f. Temporary business sign(s) may be used by a new business while awaiting arrival of permanent sign(S), provided the sign is of a durable weatherproof material, however, temporary sign(s) shall be allowed only until permanent sign(s) is/are installed or for 60 days, whichever is the shorter period. Each temporary business sign shall be no larger in area or dimension than the conforming permanent sign that will replace it, and shall be placed in a manner and location in conformance with this ordinance, as if it were a permanent sign.
 - g. Any sign which no longer advertises a business that is being conducted, a product being sold, or an activity or campaign being conducted, shall, within

30 days, be taken down and removed by the owner or tenant of the premises upon which such sign is located. This provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.

- h. Any sign, whether regulated by this section 8.12 or exempted from regulation pursuant to subsection 8.12.A.3 below, shall not be placed in rights-of-way or on other Town properties without express authorization of the Select Board.
2. The following types of signs shall be prohibited:
 - a. Roof signs.
 - b. Strings of pennants, inflated signs, tethered balloons, or banners, unless expressly allowed ~~exempted~~ elsewhere in this Ordinance.
 - c. Flags, other than those of any nation, state, city, coalition or other political unit, including, but not limited to, military or veterans groups. In no event shall any flag of any type exceed fifty (50) square feet in area.
 - d. Internally illuminated signs, including, but not limited to, neon or gas filled tubular signs, light emitting diode (LED) signs, digital signs, or electronic message center signs. This prohibition shall include signs located inside a building, when such signs are intended to be visible by pedestrians or motorists.
 - e. Signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement, or which emit audible sound or noise.
 - f. Signs which appear animated or projected, or which are intermittently illuminated, or of a traveling, tracing, scrolling, or sequential light type, or signs which contain or are illuminated by animated or flashing light, including, but not limited to, electronic message center type signs, light emitting diode (LED) signs, or digital signs.
 - g. Any signs, whether regulated by this section 8.12 or exempted from regulation pursuant to subsection 8.12.A.3 below, placed within the right of way of a public way, unless expressly authorized by the Select Board. Any sign which is placed in a public way without such authorization, shall be removed by the Code Enforcement Officer, the Highway Department, or the Police Department. The Code Enforcement Officer shall attempt to ascertain the owner of the sign and within seventy-two hours of the sign's removal notify the owner of the location of the sign so it may be retrieved.

- h. Free-standing "A-frame" or other portable signs, located on public or private property, other than those expressly exempted elsewhere in this Ordinance, as authorized by the Select Board.
- i. Signs which attempt or appear to attempt to direct movement of traffic or interfere with, imitate or resemble an official traffic sign, signal or device.

Signs which may prevent the driver of a vehicle from having clear view of an official sign or other traffic.

- k. Off premises signs, unless exempted elsewhere in this section. The Town of Ogunquit shall not permit the erection of Department of Transportation Official Business Directional Signs, as defined in Title 23 M.R.S.A. §§ 1906 to 1925.

- 1. A business or advertising sign which is attached to, or painted on a: car, truck, bicycle, trailer, moped, scooter, and/or any other mechanized or human or animal powered form of transportation will be considered to be in violation of the sign ordinance if it is parked in such a manner, and/or has such limited use, as to suggest that it is being used to effectively achieve the result of announcing, directing, or advertising said business.

3. Exemptions

The following shall not be included in the application of Section 8.12 and shall not be considered as being otherwise regulated by this Section 8.12:

- a. One sign not exceeding one square foot in area and bearing only street number, property name, and/or the name of occupants residing at the premises.
- b. Signs erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
- c. Flags, each less than fifty (50) square feet in area, of any nation, state, city, coalition or other political unit, including, but not limited to, military or veterans groups.
- d. Signs within buildings that are oriented to patrons that have already entered the premises.
- e. Signs directing and guiding traffic and parking on private property, not exceeding four square feet in area and bearing no commercial matter, indicating "enter" or "exit," and the like. Where confusion would occur, or to

limit parking to patrons of an establishment, the name of the business may occur, but there shall be no graphics which otherwise identify the business.

- f. One sign advertising real estate for sale, lease or rent, not exceeding six square feet in area per lot or per dwelling unit, and located on the lot being advertised only. The sign shall be removed upon the closing of the sale or upon occupancy of rental property.
- g. Inside "window"-type displays or paraphernalia, incidental and necessary to the business, such as, but not limited to, jewelry cases, mannequins, and clothing layouts.
- h. Outside-mounted, glass-fronted display cabinets, no greater than 6 square feet in area, containing menus, real estate ads, and the like.
- i. Memorial signs or tablets, names of historic buildings and the date of erection when engraved in the surface of the building or constructed of permanent material.
- j. Civic group signs. One permanent, freestanding joint identification off-premise sign announcing the name of churches, social organizations and the time and place of meeting of civic clubs shall be permitted at the entrances of the Town along US Route One, provided that they shall be designed as an integrated unit and shall be landscaped. Such freestanding signs shall not exceed 32 square feet in total combined signboard area.
- k. A temporary sign, erected for no more than 30 consecutive days, placed either on or off premises, made of rigid or flexible material, and displaying any educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.
- l. Off-site, directional signs for non-profit museums, non-profit theaters, or houses of worship, located within the Town of Ogunquit. (Amended 4-01-06 ATM)
- m. Warning signs such as "Posted," "No Trespassing," "Beware of Dog," and "Private Driveway" of no greater than two square feet in area.
- n. Contractor signs. One sign, no larger than six square feet, identifying the name of a contractor or tradesman performing work on the premises, provided the sign is removed within five days of the completion of the work.
- o. The Ogunquit Playhouse on U.S. Route One, may maintain, repair or construct, subject to Design Review, the roadside billboard marquee, the line of pole-mounted pennants above the front facade, and one "Matinee" banner, that are in use at the time of the adoption of this ordinance and said signs will

not be subject to the sunset provision of this ordinance, and will be permitted the use of changeable lettering for performance information.

- p. Movie theaters currently existing and legally operating may maintain, repair or reconstruct any billboard marquee, and one "Matinee" banner, that is in use at the time of the adoption of this ordinance, and said signs will not be subject to the sunset provision of this ordinance, and will be permitted the use of changeable lettering for show times and information.
- q. The Ogunquit Playhouse, Ogunquit Performing Arts, Leavitt Theater, Ogunquit Museum of American Art, and the Ogunquit Chamber of Commerce may erect portable, "A- frame" type on premises or off premises signs, collectively not to exceed eight in number within the town limits of Ogunquit, and each not displaying more than 12 square feet of sign area. Such signs shall be placed to avoid hazards to pedestrian traffic. The content and placement of such signs, as well as the allocation of signs among the groups, shall be approved annually by the Town Manager, as authorized by the Select Board. The Select Board may allow additional organizations with similar purposes, in addition to those listed above, to erect "A-frame" type signs in accordance with these standards, as long as the collective number does not exceed the above- stated town-wide limit.
- r. A business may erect, for no more than thirty (30) days, one temporary sign, which is made of materials and is illuminated in compliance with section 8.12.A.1 of this Ordinance, and that is no greater than three (3) sq. ft. in area, and indicating "Grand Opening" or "Opening Soon" or the like, and may include the impending date of the opening.
- s. A business may erect a sign at its main entrance indicating that the business is "Closed" or "Open," which is no greater than three (3) square feet, and which is made of materials and is illuminated in compliance with section 8.12.A.1 of this Ordinance.
- t. Signs bearing political messages relating to an election, primary or referendum shall be entirely exempted from this section, and shall be governed by Title 23 M.R.S.A. sec. 1913-A, Maine Department of Transportation regulations, and section 208 of Title IV, Chapter 2 of the Ogunquit Town Code.
- u. No more than two (2) yard sale signs shall be displayed on the property where the yard sale is being held, and no more than two (2) signs on the street where the yard sale is being held (a maximum of four (4) signs). None of the individual signs is to be greater than six (6) square feet in size, and no sign shall be displayed either prior to, or after, the yard sale dates as indicated on the Yard Sale Permit.

B Awnings

Awnings in the business districts (DB, GB1, GB2, LB, PCLB, OBB and any Shoreland Zone as applicable) may be erected, altered or relocated with issuance of a permit from the Code Enforcement Officer. All awnings accessory to commercial uses shall be rated as fire resistant per Building and Life Safety Codes. Before issuing a permit, the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12.B and all permits issued thereto. (Amended 6/12/12 ATM)

No permit is required to erect, alter or relocate an awning within residential districts (OFR, R, RRI, RR2, PCR-and F) so long as the free passage of pedestrians, bicyclists and motorists on public right-of-ways are not obstructed and public safety is maintained. (Adopted November 6, 2001)

Notwithstanding the provisions of Section 8.12.A.1.b above, awnings made of canvas, vinyl, nylon, polyester or other durable weather-resistant material may be used as a sign in accordance with the following provisions.

1. The lettering and symbols which make up the sign may be placed only on a vertical portion of an awning, no taller than 18 inches in height, which hangs from the awning frame with no support or frame on its lower edges except where the awning must be supported on its lower edge for structural purposes.
2. The area of the awning which is considered to be a sign shall be calculated by creating the smallest possible rectangle around all of the symbols, letters and characters which make up the sign on each surface of the awning. The top and bottom of the rectangle shall be horizontal with the ground.
3. No more than 25% of the maximum allowable business sign area for the business or structure may be included on an awning or set of awnings.

C. Number of Signs

- ~~1. Each nonresidential use and each multifamily development may have no more than one business sign attached to each face of the structure which directly faces a public way.~~
1. Each lot which has a nonresidential use and each multifamily development may have no more than one free standing sign.
2. No business shall have a total of more than six signs, including both business and advertising signs, as defined and regulated by this ordinance.
3. In multiple tenant buildings (two [2] or more tenants), there may shall be a collective sign or free standing collective sign post that consolidates the signs for all of the individual tenants in the building. A multiple-tenant building shall have not more than one (1) collective sign or free standing collective sign post for each side of the building that faces a public way and there shall be no more than one (1) collective sign or free standing collective sign post located on any individual

side of a building that faces a public way. Each individual business with its own outside entrance may have one additional business sign at its entrance. ~~as set forth in section D below.~~ All signs permitted under this subsection shall be subject to the total size limitation set forth in Subsection D of this Section and the Town shall not be responsible for allocating the amounts of allowable sign area among various tenants.

D. Size Restrictions

Business and Residential Signs shall not exceed the following standards. Sign area shall include the combined area of free standing signs and signs attached to buildings, as well as any signs permitted on collective signs or free standing collective sign posts in accordance with the requirements of Subsection C of this Section. (Revised April 5, 2003 ATM.)

1. Residential Districts

In the One-Family Residential District, Residential District, Rural Residential District 1, Rural Residential District 2, and Perkins Cove Residential District: Two square feet.

2. Business Districts

a. In the Downtown Business District, General Business District 1, and General Business District 2:

- i. If there is only one business on the lot the maximum sign area shall be 40 square feet.
- ii. If there is more than one business on the lot and all businesses are accessed from the outside by common entrances and exits and no business is directly accessed from the outside, the maximum sign area for all tenants combined shall be 40 square feet, and all signage shall be combined on a collective sign or freestanding collective sign post, as set forth in section C.4 above.
- iii. If there is more than one business on the lot, and one or more businesses are directly accessed from the outside, then there shall be no more than forty (40) square feet of total signage on the collective sign or freestanding sign post, for all tenants, identifying the building, lot or development. Each business which is directly accessed from the outside may have one (1) additional sign, in close proximity to its entrance, which is no more than 6 square feet of sign area. If no collective sign is located on the parcel then, the maximum sign area shall be divided among all units on the parcel

b. Limited Business District, Perkins Cove Limited Business District, and Ogunquit Beach Business District:

- i. If there is only one business on the lot the maximum sign area shall be 12 square feet.
 - ii. If there is more than one business on the lot and all businesses are accessed from the outside by common entrances and exits and no business is directly accessed from the outside, the maximum sign area shall be 12 square feet.
 - iii. If there is more than one business on the lot, and one or more businesses are directly accessed from the outside, then there shall be no more than twelve (12) square feet of total signage on the collective sign or freestanding sign post, for all tenants, identifying the building, lot or development. Each business which is directly accessed from the outside may have one (1) additional sign, in close proximity to its entrance, which is no more than 6 square feet of sign area. If no collective sign is located on the parcel then, the maximum sign area shall be divided among all units on the parcel
3. Farm District: 40 square feet.
 4. Residential Developments:

A residential neighborhood, development or subdivision with clearly defined geographical boundaries may have one (1) sign located at the primary entrance not to exceed twelve (12) square feet. (Adopted November 6, 2001)

E. Advertising Signs

Advertising signs may be erected and altered without a permit from the Code Enforcement Officer. Business and Residential Signs shall require a permit, however. Advertising signs shall meet the following restriction:

The aggregate sign area of all advertising signs for an establishment shall not exceed six square feet and no advertising sign shall have any dimension greater than three feet. No window shall have more than 15% of its area covered with advertising signs.

F. Nonconforming Signs

1. Any sign or part thereof, legally existing prior to April 4, 1998, which does not conform to the requirements of this Section may continue and may be maintained, but may not be extended, reconstructed, enlarged or altered. Any sign replacing a nonconforming sign shall conform to the provisions of this Section, and thereafter the nonconforming sign shall not be displayed.
2. Removal of nonconforming signs from properties with multiple-tenant buildings. The Town has hereby determined that there has been a proliferation of signs on lots that contain multiple tenant buildings. This proliferation has had a deleterious effect upon the aesthetics of the neighborhoods in which such buildings are located and in some cases may cause traffic safety problems with traffic circulation either on the site or on adjoining streets or both. Based upon these problems and notwithstanding the provisions of Subsection F.1 of this

Section, any sign or signs that are located on a lot that contains a multiple tenant building must be brought into compliance with all applicable requirements for collective signs set forth in this Section. Such signs must be in full compliance with these requirements within one year from the effective date of these amendments.

Town of Ogunquit
Municipal Officers' Certification of Official Text of a
Proposed Ordinance [30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Ogunquit:

We hereby certify to you that the documents to which we have affixed to this Certificate is a true copy of the official text of "**Proposed Amendments to the Ogunquit Municipal Code, Title II, Health, Safety & Welfare; Chapter 11 – Pesticide/Herbicide Usages,**" which is to be presented to the voters for their consideration on June 10, 2014.

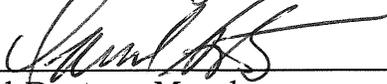
Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 1, 2014

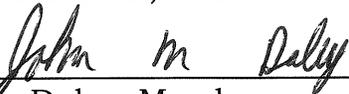
Barbara Dailey, Chair



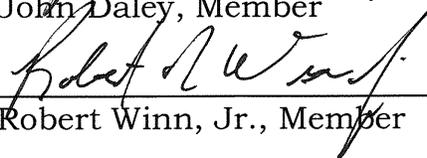
Christopher Jarochym, Vice Chair



David Barton, Member



John Daley, Member



Robert Winn, Jr., Member

OGUNQUIT

Beautiful Place by the Sea

MUNICIPAL OFFICES

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(207) 646-9546	Town Clerk
(207) 646-5920	Fax

Date: March 27, 2014

To: Ogunquit Select Board,

Re: Proposed amendments to the Ogunquit Municipal Code, Title II, Health,
Safety & Welfare; Chapter 11 - Pesticide/Herbicide Usages

The Ogunquit Conservation Committee hereby respectfully requests that the proposed, attached amendments to the Ogunquit Municipal Code, Title II, Health, Safety & Welfare; Chapter 11 - Pesticide/Herbicide Usages be included on the warrant for the June 2014 Annual Town Meeting.



Michael Horn, Conservation Commission Chair

TITLE II
OGUNQUIT MUNICIPAL CODE
HEALTH, SAFETY & WELFARE

[Additions are underlined, deletions are ~~struck out~~]

CHAPTER 11 Pesticide/Herbicide Usages ~~on Town-Owned Lands~~

1101 Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the Town of Ogunquit and to conserve and protect the town's ground water, estuarine, marine and other natural resources, while ensuring preservation ~~and enhancement of town-owned~~ of the land.

1102 Provisions.

The following provisions shall be applicable to all turf, landscape and outdoor pest management activities ~~on town-owned~~ conducted within the Town of Ogunquit, on both public and private land.

(a) *Permitted:*

- 1102.1** Use or application of natural, organic land care protocols.
- 1102.2** All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program.
- 1102.3** Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act 38 M.R.S.A. §§1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and any rules related thereto, as amended from time to time.

(b) *Prohibited:*

- 1102.4** Use or application of chemical pesticides, other than pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute.

1102.5 Use or application of sludge or sludge-derived products not listed as permitted above.

1103 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care: An extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge: Defined in 38 M.R.S.A. § 1303-C (28-A), as amended from time to time.

~~**Town-Owned Land:** All land owned or leased by the Town of Ogunquit and/or managed by the Town, including outdoor grounds such as parks, playing fields, the Marginal Way, or conservation and open space.~~

Pest: Any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

1104 Exemptions

The following processes are exempt: drinking water and wastewater treatment; indoor pesticide use; contained baits or traps for rodent control; use of pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25 or pesticides permitted by the Organic Materials Review Institute; management of town-owned land not used or used infrequently by the public (roadway medians, for example).

A specific exemption is made for poison ivy control on the Marginal Way, using the least toxic product in accordance with the US Environmental Protection Agency under 40 CFR 152.5, the Maine State Regulations Title 7 and Title 22:

“Use of Pesticides”, and the *Best Management Practices for the Application of Turf Pesticides and Fertilizers* of the Maine Board of Pesticide Control.

Restricted pesticides may also be applied for the following purposes:

1. **Noxious Growths** – The control of plants, including and not limited to, poison ivy (*Rhus radicans* or *Toxicodendron radicans*), poison oak (*Rhus toxicodendron* or *Toxicodendron quercifolium*), and poison sumac (*Rhus vernix* or *Toxicodendron vernix*).
2. **Invasive Species** – The control of invasive species that may be detrimental to the environment.
3. **Mandatory Applications**- Use of pesticides mandated by state or federal law.
4. **Health and Safety** – The control of insects that are venomous or disease carrying.

1105 Emergency waiver

If an emergency situation warrants the use of non-exempt pesticides, the Code Enforcement Officer may, ~~upon written request to the Board of Selectmen,~~ grant a thirty (30) day temporary waiver. The waiver may be extended to a six (6) month total period. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

(a) *Waiver determination shall be based on the following criteria:*

- 1105.1** The pest situation presents a) an immediate threat to human health or environmental quality, or b) an immediate threat of substantial property damage or loss; and
- 1105.2** Viable alternatives consistent with this article do not exist. The Select Board shall request the Conservation Commission to review any waiver requests made under this section, and to recommend a course of action.

1106. Enforcement and permits

This article shall be enforced by the Code Enforcement Officer, according to the policies governing enforcement of municipal ordinances of the Town of Ogunquit.

1107. Conflict and invalidity

If a conflict or inconsistency is found between this article and other sections of the Zoning Ordinance or Town Charter, the terms of the stricter provisions shall prevail. The invalidity of a provision of this article shall not invalidate any other provision of this article.

1108. Authority

Pursuant to 30-A M.R.S.A. § 3001, municipalities may enact ordinances to protect the welfare of their inhabitants. Pursuant to 22 M.R.S.A. § 1471-U, Maine municipalities may enact ordinances that apply to pesticide storage, distribution, or use. Pursuant to 38 M.R.S.A., § 1310-U, municipalities may enact ordinances with respect to solid waste facilities with standards that are not more strict than those contained in the Maine Hazardous Waste, Septage and Solid Waste

Management Act 38 M.R.S.A. §§ 1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and the rules adopted under those articles, as amended from time to time.¹

IN WITNESS WHEREOF, UNDER SEAL OF THE TOWN, this Ordinance as duly approved by the voters acting on Article 11 at an Annual Town Meeting held on June 14, 2011.

Ordinance Change Effective January 1, 2015