

**WARRANT
FOR THE
2011 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 fourteenth (14th) day of June 2011, A.D.** at nine 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) Selectmen** for a three (3) year term to commence at the conclusion of the 2011 Annual Town Meeting; term ending ATM 2014.
- Article 3:** To elect **one (1) Selectman** for a two (2) year term to commence at the conclusion of the 2011 Annual Town Meeting; term ending ATM 2013.
- Article 4:** To elect **one (1) Wells-Ogunquit Community School District Trustee** for a three (3) year term to commence on July 1, 2011; term ending June 30, 2014.
- Article 5:** To elect **one (1) Wells-Ogunquit Community School District Trustee** for a two (2) year term to commence on July 1, 2011; term ending June 30, 2013.
- Article 6:** To elect **two (2) Budget Review Committee Members** for a three (3) year term to commence at the conclusion of the 2011 Annual Town Meeting; term ending ATM 2014.
- Article 7:** To elect **three (3) registered voters** to the **Independent Election Committee** for a one (1) year term ending June 30, 2012. [Note: 1 Democrat, 1 Republican or 1 Unenrolled].
- Article 8:** Shall the municipality approve the *charter amendment* as summarized below? [Note: *Proposed amendment is bold and underlined. Language to be removed is indicated by a ~~strikeout~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "*****" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.*]

ARTICLE III – SELECT BOARD

SECTION 310.16 POWERS OF THE BOARD

The Board shall issue a written mid-year report each ~~October~~ January updating the citizens of the Town on the Articles passed at the Annual Town Meeting.

Article 9: Shall the municipality approve the *charter amendment* as summarized below? [Note: *Proposed amendment is bold and underlined. Language to be removed is indicated by a strikeout.*]

ARTICLE VI – SCHOOL COMMITTEE

SECTION 601 COMPOSITION

The Wells-Ogunquit Community School District School Committee shall be comprised of six (6) members. Registered voters of each town shall elect, at large, from their respective towns, three (3) members. Election shall be to a three-year term, unless elected to fill an unexpired term. In the event of vacancies, ~~a vacancy a Special Town Meeting shall be called within thirty (30) days to elect a person(s) to fill the unexpired portion of the term(s).~~ **on the Wells-Ogunquit Community School District School Committee, the municipal officers shall select a new member from the municipality to serve until the next annual municipal election. (20-A M.R.S.A. §1653(2)(A), as amended.**

Article 10: Shall the municipality approve the *charter amendment* as summarized below? [Note: *Proposed amendment is bold and underlined. Language to be removed is indicated by a strikeout.*]

ARTICLE VIII – BOARDS, COMMITTEES AND COMMISSIONS

SECTION 804 RECALL OF ELECTED OFFICIALS

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

SECTION 804.1 PETITIONS FOR RECALL

- A. Any fifty (50) registered voters of the Town may make and file with the Town Clerk an affidavit, with each signature notarized, containing the name of the officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired.
- B. The Town Clerk shall then prepare and sign **ten (10) copies of** a petition for such removal.
- C. ~~A~~ **The petition forms must meet the following requirements: 1) each petition form must be signed by the Clerk; 2) each petition form must have attached thereto a copy of the signed affidavit containing the name of the**

officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired; 3) each petition form must have spaces for each voter signing the petition to affix his or her signature, print his or her name, print his or her physical address, and indicate the date; and 4) each petition form must contain an affidavit to be executed by the circulator and attested by a notary stating that the circulator personally circulated the petition form; that all signatures contained on the form were affixed in the circulator's presence; that the circulator believes them to be the genuine signatures of the registered voters whose names appear on the petition; and that each person signing the petition had the opportunity to read it before signing. and general statement ~~either included thereon or attached thereto, containing the name of the person whose removal is sought either included on the affidavit or attached to it, shall be impressed with the official Town Clerk's seal, dated, and addressed to the Board.~~

- D. The Town Clerk or Deputy shall control one copy of the petition for thirty (30) business days thereafter, during which time it shall be available for signatures, during regular business hours, of registered voters of the Town.
- E. The Town Clerk shall ~~prepare~~ make the remaining additional copies of the petition available for circulation and the use of the person who filed the affidavit for the collection of signatures. Petition forms may be circulated by any registered voter of the Town. Should the initial ten (10) petitions prepared by the Clerk be insufficient, the Clerk shall prepare additional petitions for circulation.
- F. To be effective, the recall petition must be signed by the number of registered voters of the Town equal to at least twenty five percent (25%) of the ballots cast in the last gubernatorial election and the signed petition must be delivered to the Clerk on or before the 30th business day after it was first issued by the Clerk. ~~To every signature shall be added the address of the signatory indicating the street and number or other description sufficient to identify the location.~~

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

SECTION 804.2 EXAMINATION OF THE PETITION

A. At the expiration of the thirty (30) day period described above (~~804.1.D~~), the Town Clerk shall declare the petition closed and shall within five (5) business days thereafter ascertain whether or not the petition contains the valid signatures of ~~is signed by~~ the requisite number of registered voters and shall attach thereto a certificate showing the results of such examination.

B. ~~If~~ The Town Clerk and the Registrar of Voters shall certify the petition to be sufficient. The Town Clerk shall allow five (5) days for the filing of legal challenges to the signatures on the petition.

C. If no such challenges are filed, the Town Clerk shall forthwith certify and submit the petition to the Select Board.

SECTION 804.3 CALLING OF RECALL ELECTION

The petition and the certificate shall be submitted to the Select Board at its next scheduled meeting. If the petition, certified by the Town Clerk, includes the requisite number of signatures, the officer whose removal is sought shall be notified. The Board shall thereupon, within ten (10) business days of receipt of the Town Clerk's Certificate, order an election to be held not less than ~~twenty (20)~~ forty-five (45) calendar days, nor more than ~~thirty (30)~~ sixty (60) calendar days thereafter; unless a regular election is to occur within seventy (70) calendar days in which case the recall election will be held concurrent with the regular election. The officer whose removal is being sought may request a public hearing by submitting a written request to the Select Board within ten (10) calendar days of the Town Clerk's certification. Unless the Board Member whose removal is

sought shall have resigned within ten (10) days after the receipt by the Select Board of the Town Clerk's Certificate, a ballot shall be prepared. Any elected official against who recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

Article 11: Shall an ordinance entitled “**Pesticide/Herbicide Usage on Town-Owned Lands**”, dated April 7, 2009, be enacted and made a part of Title II as Chapter 11 of the Health, Safety and Welfare Ordinance? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit A** and is available for inspection, use and examination in the Town Clerk’s Office.] *The original Ordinance adopted at the 6/9/09 ATM was declared void as it was not filed with the Board of Pesticide Control within the 30-day time requirement. Thus, requires reconsideration by the voters.*

Article 12: Shall an ordinance entitled “An Ordinance to Amend Title III, (Public Service Ordinance), Chapter 4 (Solid Waste) of the Ogunquit Municipal Code” be enacted? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit B** and is available for inspection, use and examination in the Town Clerk’s Office.]

Article 13: Shall an ordinance entitled “An Ordinance to Amend Title III, (Public Service Ordinance), Chapter 5 (Solid Waste Disposal) of the Ogunquit Municipal Code” be enacted? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit C** and is available for inspection, use and examination in the Town Clerk’s Office.]

Article 14: Shall an ordinance entitled “An Ordinance to Amend Title VIII, (Harbor and Watercraft Ordinance) of the Ogunquit Municipal Code” be enacted? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit D** and is available for inspection, use and examination in the Town Clerk’s Office.]

Article 15: Shall an ordinance entitled “An Ordinance to Amend Title X, (Ogunquit Zoning Ordinance) - Article 7, Table 702.1 dated March 18, 2011, To Allow Outside Sales of Live Lobsters by Ogunquit Fishermen Who Hold Commercial Lobstering Licenses in Designated Fisherman Parking Areas in Perkins Cove” be enacted? [Note: *Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~-line. All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.*]

ARTICLE 7 – DISTRICT REGULATIONS

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TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICTS

Land Uses	OFR	RD	RR 1	RR 2	PCR	D B	GB 1	GB 2	L B	F	Shoreland Zones					
											SLR	SLC	SG1	SG2	SP	RP
Outdoor sales, services & storage areas including gasoline stations	NP	NP	NP	NP	NP	NP	NP	NP ⁵	NP	NP	NP	NP	NP	NP ¹⁰	NP	NP

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below.
- 2 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.
- 3 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the-dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Article 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by Ogunquit fishermen who hold commercial lobstering licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, regardless of any other provisions of this Ordinance.

Article 16: Shall an ordinance entitled “*Conservation Commission Ordinance*” be enacted? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit E** and is available for inspection, use and examination the Town Clerk’s Office.]

Article 17: Shall an ordinance entitled “**Property Assessed Clean Energy Ordinance (PACE)**” be enacted? [Note: Copies of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit F** and is made available for inspection, use and examination in the Town Clerk’s Office].

Article 18: Shall the Town vote to authorize the Town Manager to sign on behalf of the Town for the Property Assessed Clean Energy (PACE) Agreement Contract to stipulate that Efficiency Maine, or its successor agency, will provide the required services to implement the PACE Ordinance for residential energy savings loans for residential properties?

Article 19: Shall the Town vote to raise and appropriate the sum of **\$688,966** for **General Government** expenditures? (Note: If this article is defeated, the appropriation for General Government will default to \$696,889 pursuant to Section 503 of the Town Charter.)

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

Article 20: Shall the Town vote to raise and appropriate the sum of **\$42,361** for the **Recreation Department**? (Note: If this article is defeated, the appropriation for the Recreation Department will default to \$33,000 pursuant to Section 503 of the Town Charter.)

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

Article 21: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Ogunquit Performing Arts**? (Note: If this article is defeated, the appropriation for the Ogunquit Performing Arts will default to \$5,500 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-0
Budget Review Committee recommends: Yes 3-1-1

Article 22: Shall the Town vote to raise and appropriate the sum of **\$313,788** for **Land Use Department** expenditures?

VOTE FOR ONE

Select Board recommends: Yes \$313,788 4-0

OR

Budget Review Committee recommends: Yes \$308,788 4-0-1

Article 23: Shall the Town vote to raise and appropriate the sum of **\$1,419,461** for **Police Department** expenditures? (Note: If this article is defeated, the appropriation for the Police Department will default to \$1,300,000 pursuant to Section 503 of the Town Charter.)

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

Article 24: Shall the Town vote to raise and appropriate the sum of **\$1,218,307** for **Fire-Rescue Department** expenditures? (Note: If this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,157,462 pursuant to Section 503 of the Town Charter.)

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

Article 25: 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 \$181,250 pursuant to Section 503 of the Town Charter.)

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

Article 26: Shall the Town vote to raise and appropriate the sum of **\$816,965** for **Public Works Department** expenditures? (Note: If this article is defeated, the appropriation for the Public Works Department will default to \$758,000 pursuant to Section 503 of the Town Charter.)

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

Article 27: Shall the Town vote to raise and appropriate the sum of \$404,788 for **Transfer Station** expenditures? (**Note:** If this article is defeated, the appropriation for the Transfer Station will default to \$390,395 pursuant to Section 503 of the Town Charter.)

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

Article 28: Shall the Town vote to raise and appropriate the sum of \$98,367 for **Harbormaster** expenditures? (**Note:** If this article is defeated, the appropriation for the Harbormaster will default to \$70,000 pursuant to Section 503 of the Town Charter.)

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

Article 29: Shall the Town vote to raise and appropriate the sum of \$3,000 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 4-0
Budget Review Committee recommends: Yes 5-0

Article 30: Shall the Town vote to raise and appropriate the sum of \$116,239 for **Insurance** expenditures? (**Note:** If this article is defeated, the appropriation for Insurance will default to \$115,962 pursuant to Section 503 of the Town Charter.)

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

Article 31: Shall the Town vote to raise and appropriate the sum of \$320,418 for **Administrative Services Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Administrative Services Department will default to \$280,001 pursuant to Section 503 of the Town Charter.)

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

Article 32: Shall the Town vote to raise and appropriate the sum of \$13,512 for **Conservation** expenditures? (**Note:** If this article is defeated, the appropriation for Conservation will default to \$15,362 pursuant to Section 503 of the Town Charter.)

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

Article 33: Shall the Town vote to raise and appropriate the sum of \$21,039 for **Information Services** expenditures? (**Note:** If this article is defeated, the appropriation for the Information Services Department will default to \$30,624 pursuant to Section 503 of the Town Charter.)

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

Article 34: 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 \$0 pursuant to Section 503 of the Town Charter.)

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

Article 35: Shall the Town vote to raise and appropriate the sum of \$0 to Caring Unlimited? (Note: If this article is defeated, the appropriation for Caring Unlimited will default to \$250 pursuant to Section 503 of the Town Charter.)

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

Article 36: Shall the Town vote to raise and appropriate the sum of \$0 to Child Abuse/Prevention? (Note: If this article is defeated, the appropriation for Child Abuse/Prevention will default to \$500 pursuant to Section 503 of the Town Charter.)

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

Article 37: Shall the Town vote to raise and appropriate the sum of \$0 to Counseling Services of York, Inc.? (Note: If this article is defeated, the appropriation for Counseling Services of York, Inc. will default to \$1,000 pursuant to Section 503 of the Town Charter.)

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

Article 38: Shall the Town vote to raise and appropriate the sum of \$0 to Frannie Peabody Center? (Note: If this article is defeated, the appropriation for Frannie Peabody Center will default to \$1,000 pursuant to Section 503 of the Town Charter.)

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

Article 39: Shall the Town vote to raise and appropriate the sum of \$0 to the Home Health Visiting Nurses? (Note: If this article is defeated, the appropriation for Home Health Visiting Nurses will default to \$1,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-1
Budget Review Committee recommends: Yes 5-0

Article 40: Shall the Town vote to raise and appropriate the sum of \$0 to the Hospice of York? (Note: If this article is defeated, the appropriation for Hospice of York will default to \$500 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-1
Budget Review Committee recommends: Yes 5-0

Article 41: Shall the Town vote to raise and appropriate the sum of \$1,800 for the care and maintenance of area 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 4-0
Budget Review Committee recommends: Yes 5-0

Article 42: Shall the Town vote to raise and appropriate the sum of \$0 for the Southern Maine Area Agency on Aging? (Note: If this article is defeated, the appropriation for the Southern Maine Area Agency on Aging will default to \$500 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-1
Budget Review Committee recommends: Yes 5-0

Article 43: 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 4-0
Budget Review Committee recommends: Yes 5-0

Article 44: Shall the Town vote to raise and appropriate the sum of \$0 for the Wells-Ogunquit Youth Baseball? (Note: If this article is defeated, the appropriation for the Wells-Ogunquit Youth Baseball will default to \$500 pursuant to Section 503 of the Town Charter.)

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

Article 45: Shall the Town vote to raise and appropriate the sum of \$699,977 for Debt Management expenditures? (Note: If this article is defeated, the appropriation for the Debt Management will default to \$559,952 pursuant to Section 503 of the Town Charter.)

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

Article 46: Shall the Town vote to raise and appropriate the sum of \$20,000 for the Unemployment Reserve Account? (Note: If this article is defeated, the appropriation for the Unemployment Reserve Account shall be \$22,000 pursuant to Section 503 of the Town Charter.)

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

Article 47: Shall the Town vote to raise and appropriate the sum of \$20,000 for Accrued Liabilities? (Note: If this article is defeated, the appropriation for Accrued Liabilities shall be \$40,000 pursuant to Section 503 of the Town Charter.)

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

Article 48: Shall the Town vote to raise and appropriate the sum of \$5,000 for Union Contracts and salary adjustments, as needed? (Note: If this article is defeated, the appropriation for Union Contracts and salary adjustments shall be \$5,000 pursuant to Section 503 of the Town Charter.)

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

Article 49: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **General Government for Town and Beach Signs**? (Note: If this article is defeated, the appropriation for General Government for Town and Beach Signs shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-0
Budget Review Committee recommends: Yes 3-2

Article 50: Shall the Town vote to raise and appropriate the sum of **\$3,500** for the **Parks and Recreation** for restoration of the **tennis courts**? (Note: If this article is defeated, the appropriation for Parks and Recreation for restoration of the tennis courts shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 51: Shall the Town vote to raise and appropriate the sum of **\$29,000** for the **Police Department** for the purchase of a **new Police Cruiser**?

VOTE FOR ONE

Select Board recommends: Yes \$29,000 4-0

OR

Budget Review Committee recommends: Yes \$0 4-0-1

Article 52: Shall the Town vote to raise and appropriate the sum of **\$75,000** for the **Fire Department** for the replacement of the current **Ambulance**? (Note: If this article is defeated, the appropriation for Fire Department for the replacement of the current Ambulance shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 53: Shall the Town vote to raise and appropriate the sum of **\$165,000** for the **Public Works Department Paving Capital Reserve Account**?

VOTE FOR ONE

Select Board recommends: Yes \$165,000 4-0

OR

Budget Review Committee recommends: Yes \$125,000 5-0

Article 54: Shall the Town vote to raise and appropriate the sum of **\$75,000** for the **Public Works Department** for the purchase of a new **Sidewalk Snow Blower**? (Note: If this article is defeated, the appropriation for Public Works Department for the purchase of a new Sidewalk Snow Blower shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 55: Shall the Town vote to raise and appropriate the sum of **\$90,000** for the **Public Works Department** for the purchase of a new **Front-end Loader**? (Note: If this article is defeated, the appropriation for Public Works Department for the purchase of a new Front-end Loader shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 56: Shall the Town vote to raise and appropriate the sum of **\$60,000** for the **Public Works Department** for the purchase of a new **One-Ton Dump Truck with Plow and Sander**? (Note: If this article is defeated, the appropriation for Public Works Department for the purchase of a new One-Ton Dump Truck with Plow and Sander shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 57: Shall the Town vote to raise and appropriate the sum of **\$45,000** for the **Transfer Station Department** for the purchase of a **Backhoe**? (Note: If this article is defeated, the appropriation for Transfer Station Department for the purchase of a Backhoe shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-0
Budget Review Committee recommends: Yes 3-1-1

Article 58: Shall the Town vote to raise and appropriate the sum of **\$20,000** for the **Harbormaster Department** for **Chains and Moorings for Perkins Cove Harbor**? (Note: If this article is defeated, the appropriation for Harbormaster Department for Chains and Moorings for Perkins Cove Harbor shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 59: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Land Use Department** for **Heat and Air Units for the Land Use Offices**? (Note: If this article is defeated, the appropriation for Land Use Department for Heat and Air Units for the Land Use Offices shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 60: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Administrative Services Department** for **Electrical Updates to the Dunaway Community Center**? (Note: If this article is defeated, the appropriation for Administrative Services Department for Electrical Updates to the Dunaway Community Center shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 61: Shall the Town vote to raise and appropriate the sum of **\$8,000** for the **Police Department** for **Heat and Air Units for the Police Department Offices**? (Note: If this article is defeated, the appropriation for Police Department for Heat and Air Units for the Police Department Offices shall be \$0 pursuant to Section 503 of the Town Charter.)

(Note: If this article is defeated, the appropriation for Police Department for Heat and Air Units for the Police Department Offices shall be \$0 pursuant to Section 503 of the Town Charter.)

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

Article 62: Shall the Town vote to raise and appropriate the sum of \$25,000 to be deposited into the previously established Land Conservation Reserve Fund?

VOTE FOR ONE

Select Board recommends: Yes \$25,000 3-1

OR

Budget Review Committee recommend: No \$-0- 4-0-1

Article 63: Shall the Town (1) approve a Capital Improvement Project consisting of the design, construction and equipping of a new Public Works Department Facility to be located at the Salt Shed on Captain Thomas Road; (2) appropriate a sum not to exceed \$650,000 to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Board of Selectmen 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 \$650,000; and (4) delegate to the Treasurer and the Chairman of the Board of Selectmen the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, 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?

EXPLANATION AND RECOMMENDATION:

FINANCIAL STATEMENT

1. **Total Indebtedness**
 - a. Bonds outstanding and unpaid: \$ 7,732,704.00
 - b. Bonds authorized and unissued: -0
 - c. Bonds to be issued if this Article is approved \$ 650,000.000

2. **Costs**
 - a. At an estimated interest rate of 4.25% for a twenty (20) years maturity, the estimated costs of this bond issue will be:
Principal: \$ 650,000.00
Interest: \$ 278,805.86
Total Debt Service: \$ 928,805.86

2. **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/
Judith A. Yates
Town Treasurer

VOTE FOR ONE

Select Board Recommends: Yes \$650,000 4-1

OR

Budget Review Committee Recommends: Yes \$0 3-1-1

Article 64: Shall the Town vote to transfer up to **\$350,000** from **Undesignated Fund Balance** to fund the 2011-2012 fiscal year budgets?

Select Board recommends: Yes 4-0
Budget Review Committee recommends: Yes 3-1-1

Article 65: Shall the town vote to appropriate **\$1,350,000** from anticipated parking lot revenues to fund the 2011-2012 fiscal year budgets?

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

Article 66: 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 2011/2012 will result in a tax commitment that is greater than the property tax levy limit?

Article 67: 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 68: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

Article 69: Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
Homestead Reimbursement	\$Unknown
State Aid Road Grant	\$Unknown
Municipal Revenue Sharing	\$Unknown
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
General Assistance Rebate	\$Unknown
Snowmobile Registration	\$Unknown
Tree Growth Reimbursement	\$Unknown
Veteran's Exemption Rebate	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

Article 70: 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 within 45 days following each due date.

Article 71: Shall the Town vote to pay no more than 4% 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 surplus fund balance?

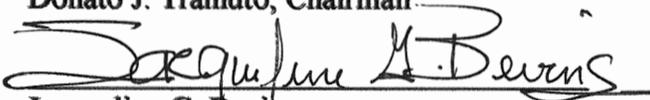
Article 72: Shall the Town vote to authorize the Select Board to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Select Board to execute and deliver quit claim deeds, without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

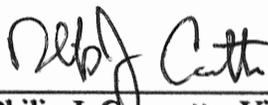
Article 73: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Selectmen may deem to be in the best interests of the Town as otherwise allowed by law?

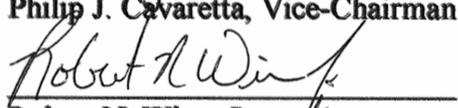
Given under our hands this 17th day of May 2011, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the municipal officers. ATTEST:

OGUNQUIT SELECT BOARD

Not Present
Donato J. Tramuto, Chairman


Jacqueline G. Bevins


Philip J. Cavaretta, Vice-Chairman


Robert N. Winn, Jr.

VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing 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 **18th day of May 2011**, A.D. copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, and WOGT, those being three (3) conspicuous and public places in said Town.


Patricia L. Arnaudin, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend **Title II, (Health, Safety and Welfare Ordinance)** of the Ogunquit Municipal Code by adding a new **Chapter 11 "Pesticide/Herbicide Usage on Town-Owned Lands"**. * These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011. * *The original Ordinance amendment adopted at the 6/9/09 ATM was declared void as it was not filed with the Board of Pesticide Control within the 30-day time requirement.*

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

DATED: May 17, 2011

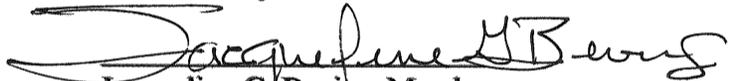
**OGUNQUIT
BOARD OF SELECTMEN**

Not Present

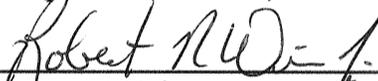
Donato J. Tramuto, Chairman



Philip J. Cavaretta, Vice-Chairman



Jacqueline G. Bevins, Member



Robert N. Winn, Jr., Member

A TRUE COPY, ATTEST:

Judy S. Kagiliery, Town Clerk

DATED: _____

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend **Title II, (Health, Safety and Welfare Ordinance)** of the Ogunquit Municipal Code by adding a new **Chapter 11 "Pesticide/Herbicide Usage on Town-Owned Lands"**.* These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011. * *The original Ordinance amendment adopted at the 6/9/09 ATM was declared void as it was not filed with the Board of Pesticide Control within the 30-day time requirement.*

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DATED: May 17, 2011

**OGUNQUIT
BOARD OF SELECTMEN**

Donato J. Tramuto, Chairman

Philip J. Cavaretta

Philip J. Cavaretta, Vice-Chairman

Jacqueline G. Bevins, Member

Robert N. Winn, Jr., Member

A TRUE COPY, ATTEST:

Judy S. Kagiliery, Town Clerk

DATED: _____

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OGUNQUIT MUNICIPAL CODETITLE IIHEALTH, SAFETY & WELFARECHAPTER-11 Pesticide/Herbicide Usage on Town-Owned Lands1101. 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 lands.

1102. Provisions.

The following provisions shall be applicable to all turf, landscape and outdoor pest management activities on town-owned 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 shall mean an extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide means 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 is defined in 38 M.R.S.A. § 1303-C(28-A), as amended from time to time.

Town-owned land means 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 shall include 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.

1105. Emergency waiver.

If an emergency situation warrants the use of non-exempt pesticides, the Codes 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 Board of Selectmen 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.

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town entitled "An Ordinance to Amend Title III, (Public Service Ordinance) Chapter 4 (Solid Waste) of the Ogunquit Municipal Code". These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

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

DATED: May 17, 2011

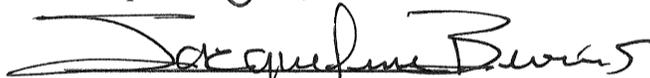
**OGUNQUIT
BOARD OF SELECTMEN**

Not Present

Donato J. Tramuto, Chairman



Philip J. Cavajetta, Vice-Chairman



Jacqueline G. Bevins, Member



Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED: _____

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TITLE III - PUBLIC SERVICE

Chapter 4 Solid Waste

401 Purpose

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

402 Definitions

- 402.1 Bulky Materials means large items of waste such as appliances, other white goods, furniture, large auto parts, trees and branches in excess of one half inch in diameter.
- 402.2 Commercial Hauler means a person or firm which hauls the refuse of another person for a fee.
- 402.3 Compactor means transfer station equipment consisting of a large pit hopper in which refuse is deposited and a hydraulic ram which compresses refuse into a special tractor trailer which transports the compacted refuse for further disposal.
- 402.4 Construction and Demolition Waste means the waste of building materials and rubble resulting from construction, remodeling, repair and demolition operation on houses, commercial buildings, pavements, and other structures.
- 402.5 Domestic Waste means all types of refuse normally generated in a residential household or apartment.
- 402.6 Hazardous Wastes means wastes that can cause serious injury or disease during the normal storage, collection, and disposal cycle, including but not limited to explosives, pathological and infectious wastes, radioactive materials, and dangerous chemicals. State definitions of hazardous wastes shall apply to the Town of Ogunquit.
- 402.7 Non-Domestic Wastes means wastes generated by wholesale and retail establishments, end products of manufacturing, end products of food preparation for sale of scraps of leftovers or soluble portions, and the refuse of governmental entities.

- 402.8 Person means any individual, partnership, firm, association, corporation, or other legal entity, or any agent, or any employee of any such person.
- 402.9 Refuse means putrescible and non-putrescible solid wastes (except body wastes), including food waste (garbage), construction and demolition wastes and yard wastes.
- 402.10 Salvageable Wastes means refuse that has use or value to a person, firm, corporation or establishment other than those who generated it.
- 402.11 Scavenge mean the removal of salvage waste from the refuse disposal area by unauthorized persons.
- 402.12 Town Transfer Station means the area off Berwick Road just east of Interstate 95, the Maine Turnpike, including the Transfer Station, the White/Metal Goods deposit area and the Brush/Demolition Dump. (4/4/87 ATM) **located at the address of 28 Spring Hill Road and referenced as Map 18, Lot 15-B in Town records.**
- 402.13 Yard Waste means prunings, tree trimmings and twigs, brush, shrubs, weeds, yard clippings, and leaves, branches or limbs in excess of one half inch in diameter are considered bulky wastes.

403 **Disposal Prohibit**

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

404 **Permit Required**

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

405 **Classes of Permits**

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

- 405.1 Domestic Residential Disposal Permits - ~~A minimum of one but not more than two domestic disposal permits shall be issued at least annually to households in Ogunquit that apply to the Town Clerk;~~ **No person(s) may deposit any solid waste at the Transfer**

Station without first obtaining a permit as evidenced by a properly affixed current decal.

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

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

405.1.2 Beach Pass denoted with green “T” will allow use of Transfer Station only.

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

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

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

405.4 Commercial Hauler Permits - For refuse generated in Ogunquit.

405 6 Display of Permit

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

406 7 Permit Fees and Regulations

The ~~Board of Selectmen~~ **Select Board** may **shall** establish fees for domestic disposal permits and proportional fees based upon weight or volume of refuse for other classes of permits after public notice and hearing. The Board of Selectmen may also adopt fee schedules for the

deposit of bulky materials and for construction and demolition wastes after public notice and hearing. The ~~Board of Selectmen~~ **Select Board** may also adopt other regulations governing the term of permits, residency requirements, hours of operation, vehicle standards, insurance, filing of routes and collection schedules, use of facilities, and other regulations consistent with the requirements of this Ordinance. (4/4/87 ATM)

ADD NEW

407.1 **Permit Classes**

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

407 8 **Use of Facilities**

4078.1 **Materials Accepted**

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

4078.1.1 Domestic refuse;

4078.1.2 Non-Domestic refuse;

4078.1.3 Yard wastes;

4078.1.4 Bulky wastes;

4078.1.5 Construction and demolition wastes, except that the Board of Selectmen may require disposal of excessive amounts of construction and demolition wastes at other sites.

4078.2 **Voluntary Recycling**

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

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

4078.3 Materials Prohibited

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

- 4078.3.1 Refuse from outside of Ogunquit except recyclable refuse as permitted by the Board of Selectmen;
- 4078.3.2 Automobiles or other motor vehicles, or major parts of motor vehicles;
- 4078.3.3 Hazardous wastes.

4078.4 Other Restrictions

A person shall not do any of the following:

- 4078.4.1 Scavenge materials;
- 4078.4.2 Transport refuse without protecting against scattering, spillage or leakage;
- 4078.4.3 Dispose of refuse within the Town Transfer Station except at designated areas or at the direction of authorized personnel.

4089 Enforcement

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

40910 Penalties

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100) ~~for each~~ **per** violation, plus costs **and attorneys' fees**, which fine(s) shall be recovered on complaint to the use of the Town. (4/4/87 ATM) **The Board shall also be authorized to order the clean up of any Solid Waste disposed of in violation of this Ordinance, and if the violator fails to clean up this Solid Waste after thirty (30) days notice, the Town may on its own initiative provide for the clean up, and recover the expense from the violator, including all court costs and attorney's fees.**

41011 **Effective Date**

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

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town entitled "An Ordinance to Amend Title III, (Public Service Ordinance) Chapter 5 (Solid Waste Disposal) of the Ogunquit Municipal Code". These proposed amendments will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

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

DATED: May 17, 2011

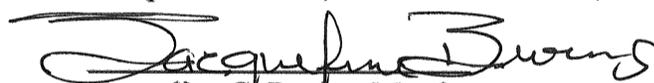
**OGUNQUIT
BOARD OF SELECTMEN**

Not Present

Donato J. Tramuto, Chairman



Philip J. Cavaretta, Vice-Chairman



Jacqueline G. Bevins, Member



Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED: _____

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TITLE III – PUBLIC SERVICE

Chapter 5 Solid Waste Disposal Ordinance

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

501 Short Title

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

502 Purpose

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

503 Definitions

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

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

- (1) Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires, to the extent that ~~Regional Waste Systems, Inc. (RWS)~~ **ECO Maine** determines that the air emission criteria and standards applicable to and at the RWS **ECO Maine** Disposal Facility are not violated; and
- (2) Processible portions of commercial and industrial Solid Waste; and
- (3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one half feet (4 ½') long and eight inches (8") in diameter, and leaves, twigs, grass and plant cuttings, provided

that the Municipality shall not be obligated to deliver or cause to be delivered any items listed in this subpart (3) to the RWS ECO Maine Disposal Facility and further provided that such items may be delivered to the RWS ECO Maine Disposal Facility by or on behalf of the Municipality on an irregular basis only and shall represent an insignificant portion of the total Solid Waste delivered to the RWS ECO Maine Disposal Facility by or on behalf of the Municipality within any calendar year; and

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

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

- 503.2 Ashes shall mean that residue from the burning of wood, coal, coke or other combustible material.
- 503.3 Board shall mean the Select Board ~~of Selectmen~~ for the Municipality of Ogunquit.
- 503.4 Commercial Refuse Collector shall mean a person, firm, corporation or other entity that collects and hauls the solid waste of another person, firm, corporation, or other entity for a fee.
- 503.5 Construction and Demolition Debris shall mean
 - (a) Construction/Demolition Debris
 - (b) Inert Fill
 - (c) Landscaping Debris and

(d) Wood waste

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

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

- 503.6 Disposal shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.
- 503.7 Hazardous Waste shall mean a waste substance or material in any physical state, designated as hazardous by the terms of a certain Waste Handling Agreement between the Municipality and ~~Regional Waste Systems, Inc.~~ **ECO Maine**.
- 503.8 Infectious Waste shall include those wastes so define by the Solid Waste Management Regulations promulgated by the Department of Environmental protection pursuant to Title 38 M.R.S.A. Section 1304.
- 503.9 Municipality shall mean the Municipality.
- 503.10 Person shall mean any natural person, corporation, partnership, sole proprietorship, association or other legal entity.
- 503.11 Public Solid Waste Disposal Facility (Disposal Facility) shall mean any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid waste; this term shall include ~~the RWS~~ **ECO Maine** and Municipality Disposal Facilities and ~~RWS~~**ECO Maine** Construction and Demolition Debris Facilities.
- 503.12 Resource Recovery shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.
- 503.13 ~~RWS~~ **ECO Maine** Disposal Facility shall mean any land or structures or combination of land area and structures, including dumps and transfer stations owned or operated by or under a contract with ~~Regional Waste Systems, Inc.~~ **ECO Maine**, and/or any other site designated by ~~RWS~~ or its assignee used for storing, salvaging, reducing, incinerating, reclaiming or disposing of acceptable waste pursuant to the Waste Handling Agreement and amendments thereto entered into between the Municipality and ~~RWS~~**ECO Maine**.

- 503.14 RWS-ECO Maine Construction and Demolition Debris Disposal Facility shall mean any land or structure or combination of land area and structure, including dumps and transfer stations owned or operated by or under a contract with Regional Waste Systems, Inc. (RWS), ECO Maine, and/or any other site designated by RWS ECO Maine or its assignee, used for storing, salvaging, incinerating, reclaiming or disposing of Construction and Demolition Debris pursuant to the Waste Handling Agreement and amendments thereto entered into between the Town and RWS ECO Maine.
- 503.15 ~~RWS or Regional Waste Systems, Inc.~~ ECO Maine shall mean ~~Regional Waste Systems, Inc.~~ ECO Maine, a non-capital stock, non-profit corporation created pursuant to Title 30, Chapter 203 115, and Title 13, Chapter 81; **and Title 38, Section 1304-B** of the Maine Revised Statutes, or any successor thereto or assignee thereof **as permitted by this Agreement.**
- 503.16 Solid Waste shall mean useless, unwanted or discarded solid materiel with insufficient liquid content to be free flowing, including by way of example, and not be limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill materiel and landscape refuse, but shall not include septage tank sludge nor agricultural or Hazardous Wastes; it shall include Acceptable Waste, Unacceptable Waste and Construction and Demolition Debris as defined herein.
- 503.17 Municipality Disposal Facilities shall mean any land or structure or combination land area and structures owned or operated by, or under a contract with, the Municipality, including a transfer station or similar facility used in connection with the disposal of acceptable waste, whether such facilities are constructed before or after the completion of the RWS ECO Maine Disposal Facilities.
- 503.18 Municipality shall mean the Municipality of Ogunquit.
- 503.19 Unacceptable Waste shall mean that portion of Solid Waste which is not acceptable Waste and includes, but is not limited to, sewage and its derivatives, Construction and Demolition Debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.
- 504 Public Solid Waste Disposal Facilities
- 504.1 In accordance with the provisions of Title 38 M.R.S.A. Section 1304-B, as amended from time to time, the Municipality hereby designates the RWS ECO Maine Disposal Facility ~~on Congress Street~~ **at 64 Blueberry Road,** ~~in~~ Portland, Maine and the Municipality Disposal Facilities as its public

solid waste disposal facilities for the purposes cited in this Ordinance, and designates the ~~RWS Construction and Demolition Disposal Facility~~ **ECO Maine** as its public solid waste disposal facility for Construction and Demolition Debris. The dumping or disposing by any person at any place other than at the Municipality Disposal Facilities or ~~the RWS Disposal Facility~~ **ECO Maine** of any Acceptable Waste generated within the Municipality is prohibited except as otherwise provided in this Ordinance, and, subsequent to receipt by the Municipality of notice from RWS of commencement of operations of the RWS Construction and Demolition Debris Disposal Facility, the dumping or depositing by any person at any place other than the RWS Construction and Demolition Debris Facility of any Construction and Demolition Debris generated within the Municipality is prohibited except as otherwise provided in this Ordinance.

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

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

505 **Administration**

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

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

506 **Restrictions and Fees for Disposal**

506.1 No person, firm or corporation shall permanently dispose upon any land within the corporate limits of the Municipality solid waste of any kind generated within the Municipality, unless such land has been designated by the Municipality as a Public Solid Waste Disposal Facility.

506.2 Certain materials may be excluded by regulation from that solid waste which may be deposited at the Public Solid Waste Disposal Facility. These excluded materials may include junk automobile bodies and similar bulky

waste which may require special processing prior to disposal, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Municipality deems necessary to exclude. Hazardous wastes shall be handled in accordance with Title 38 M.R.S.A. Section 1319-0 as amended from time to time.

506.3 Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the Municipality other than leaves, trees, tree limbs and other wood waste.

507 Rules and Regulations

507.1 The availability and use of the designated public solid waste disposal facilities shall be limited to residents of the Municipality and to those residents of any other municipality which may, by mutual agreement, be authorized to use the designated public solid waste disposal facilities. As a means of user control, the Municipality shall distribute vehicle permits to authorized users, which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.

507.2 The Municipality shall require solid waste to be separated into such categories as may be established by Municipal regulation and disposed of only in such manner and at such sites and locations as designated.

507.3 Any solid waste deposited within the designated public solid waste disposal facilities shall become the property of the Municipality or ~~Regional Waste Systems, Inc. (RWS)~~ ECO Maine pursuant to the terms of said Waste Handling Agreements. No one shall salvage, remove or carry off any such deposited solid waste without prior approval of the Municipality.

NEW

508 Commercial or Residential Refuse Collectors

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

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

All renewal licenses shall be applied for by June 1, and if granted, will be effective on August 1. Any person applying for a license shall provide satisfactory proof of irrevocable liability insurance with the Town of

Ogunquit named as an additional insured in the amount of \$1,000,000.

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

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

508.3 An application for a Commercial or Residential Refuse Collector License shall contain the following information:

508.3.1 Applicant's name;

508.3.2 Applicant's residence;

508.3.3 Address of the applicant's place(s) of business;

508.3.4 If the applicant is a corporation, the names and addresses of each of its directors and officers;

508.3.5 A description of the vehicle(s) and equipment to be used; Including the make, model, year of manufacture and license plate number of said vehicle(s) and equipment;

508.3.6 Whether the applicant is collecting, recycling or hauling solid waste generated by residences, by commercial activities or uses and/or by individual activities or uses; if the applicant intends to collect, recycle or haul solid waste generated by commercial and/or industrial activities or uses, the applicant shall describe the location of any dumpster(s) or other container(s) used by the commercial or industrial activity or used to store solid waste along with the serial number, if any, on such dumpster(s) or container(s). No later than the 15th of each month, each permitted commercial or residential refuse collector shall provide the Issuing Authority with updates for

the previous month of the application information required by this Section 508.3.6;

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

508.3.8 A copy of the current Waste Handling Agreement with ECO Maine, as required by Section 508.2.

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

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

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

508.6 License Denial, Revocation or Suspension

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

508.6.1.1 The first violation by a licensed Commercial or Residential Refuse Collector of any provision or provisions of this Ordinance shall result, in addition to any penalty or relief that the Municipality may seek under Title III, Chapter 4, Section 410 of the Municipal Code, in a thirty

(30) day suspension of that Commercial or Residential Collector's License, or if on the date of the first violation, said License shall expire in less than thirty (30)days, the revocation of said license.

509 Miscellaneous

- 508-9.1** The Board may **shall** establish, by order, a schedule of ~~license- permit~~ fees to be charged to commercial refuse collectors ~~for use of the designated public solid waste disposal facilities~~ **operating within the boundaries of the Municipality of Ogunquit,** which schedule shall be posted and published. All fees collected shall be for the use of the Municipality. Any license granted hereunder may be revoked upon any violation of this Ordinance. The Board may also require any person who utilizes the public solid waste disposal facility, to pay a disposal fee directly to the facility.
- 508-9.2** It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.
- 5089.3** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
- 5089.4** If any section, subsection, sentence or part of the ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.
- 5089.5** Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100) per violation, plus costs and attorneys' fees, which fines shall be recovered on complaint to the use of the Municipality. The Board shall also be authorized to order the clean up of any Solid Waste disposed of in violation of this Ordinance, and if the violator fails to clean up this Solid Waste after thirty (30) days notice, the Municipality may on its own initiative provide for the clean up, and recover the expense from the violator, including all court costs and attorney's fees.

50910 Effective Date

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

Enacted: 12/17/85 STM

Amended: 08/15/89 STM

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend **Title VIII, (Harbor and Watercraft Ordinance)** of the Ogunquit Municipal Code". These amendments will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

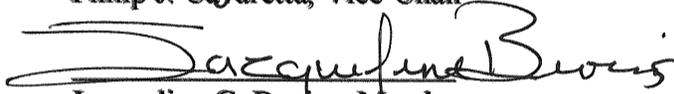
Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the proposed ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

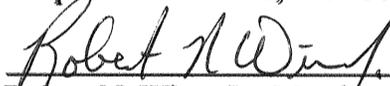
DATED: May 17, 2011

**OGUNQUIT
BOARD OF SELECTMEN**

~~Not Present~~
Donato J. Tramuto, Chairman


Philip J. Cavaretta, Vice-Chair


Jacqueline G. Bevins, Member


Robert N. Winn, Jr., Member

A TRUE COPY, ATTEST:

Judy S. Kagiliery, Town Clerk

DATED: _____

[Note: Language proposed to be inserted is indicated by **bold and underlining**.
Language to be removed is indicated by a ~~strikeout~~-line.]

TITLE VIII HARBOR AND WATERCRAFT ORDINANCE

Chapter 1 **General**

This Ordinance, prepared in accordance with the provision of 30-A MRSA S 3002, as amended, and 38 MRSA S 7, as amended, shall be known as and may be cited as the “Harbor and Watercraft Ordinance of Ogunquit, Maine” and shall be referred to herein as the “Ordinance”. This Ordinance shall be subordinate to such United States (federal) and State of Maine (state) laws as may govern matter described herein.

102 **Purpose**

The Purpose of this Ordinance is to regulate the marine activities within the harbor, known as Perkins Cove, and the waters therein. It is intended to ensure the safety of persons and property, to promote availability and use of public resources and to create a fair and efficient framework for the administration of those resources.

103 **Definitions**

For purposes of this Ordinance, the following definitions shall be observed in the construction of this Ordinance. All terms, not specifically defined herein, shall have their customary or ordinary meanings. Words used in the present tense shall include the future and the plural shall include the singular.

- 103.1** **Commercial Fishing:** Shall mean a watercraft used in (a) attempting to catch fish or other marine animals or organisms with the intent of disposing of them for profit or trade in commercial channels, (b) charter boat fishing where the vessel is used for carrying sport anglers to available fishing grounds; and shall exclude watercraft used for subsistence fishing for personal use and watercraft used for personal or non-commercial sport fishing. ~~Commercial fishing shall include only those watercraft that work at least 60 calendar days per year out of Perkins Cove.~~
(ATM 4/3/00)

ADD -

103.2

Commercial Mooring: Shall mean a mooring where the mooring holder must demonstrate commercial activity takes place a majority of the time the vessel is being used.

103.4-a 3

Commercial Tours: Shall mean watercraft used for sightseeing and recreational tours and shall include whale watching, sunset cruisers, cocktail cruises and day trips for sailing, ~~provided, however, that all such watercraft shall work at least 60 calendar days out of Perkins Cove. (ATM 4/3/00)~~

103.2 4

Emergency and Public Services Personnel: Shall include personnel from the municipality's fire/police departments, rescue service, the municipality's public works department, as well as personnel from public utility districts, agencies and corporations.

103.3-5

Float: Shall mean any structure or device normally used as a point of transfer for passengers or goods, or for the temporary or continuous attachment of watercraft.

103.4 6

Harbormaster: Shall mean that municipal official so designated in accordance with the provisions of 38 MRSA S 1, as amended, and Section 201.1 of this Ordinance.

103.5-7

Mooring: Shall mean a device, which is not carried aboard the watercraft, to which a watercraft is attached, and which is left permanently in place.

103.57.a

Mooring shall be attached to the bow of the boat and in the center of the stern either by a ringbolt, cleat, bridle or anything else that will affix it to the center of the stern.
(BOS 06/06/95)

ADD -

103.8

Mooring Waiting List: Shall mean a list of all applicants for mooring privileges.

103.6-9

Municipality: Shall mean the Town of Ogunquit, Maine.

103.7-10

Municipal Officers: Shall mean the Selectmen of the Town of Ogunquit.

103.8-11

Municipal Resident: Shall mean a person who occupies a dwelling within the municipality for more than 180 days in a calendar year.

103.9-12

Municipal Taxpayer: Shall mean a real estate property tax-paying owner in the municipality.

103.10-13

Watercraft: Shall mean any type of vessel, boat or craft used, or capable of being used, as a means of transportation on water other than a seaplane.

103.11 1

Winter Mooring: Shall mean the full-time use of a mooring during the period from October 1, of any given year, to April 1, of the following year, depending on availability.

**TITLE VIII
HARBOR
AND
WATERCRAFT ORDINANCE**

Chapter 4 Watercraft Regulations

- 401** For the purpose of this Ordinance, the following Watercraft Regulations shall be observed.
- 401.1** Because of safety, the maximum length of a watercraft allowed in Perkins Cove shall be forty-two (42) feet, as determined in linear feet based upon a measurement from the rear-most part of the watercraft's transom to the most forward part of the bowstem, excluding the bowsprit and/or the pulpit. This measurement must be confirmed by the Harbormaster.
- 401.2** The maximum beam, or width, of the watercraft allowed in Perkins Cove, shall be fifteen (15) feet at its widest part. This measurement must be confirmed by the Harbormaster.
- 401.3** Replacement watercraft shall be subject to the same physical limitations as those cited **401.1** and **401.2**. Any change in the length (size) of a watercraft must be requested in writing and approved by the Harbormaster. In the event that the request to go from a small boat mooring to a large boat mooring is approved, the mooring holder will be placed on the Mooring List, according to the rules. (ATM 8/13/96)
- 401.4** Tenders, dinghies, punts, skiffs and/or other like watercraft shall not exceed twelve (12) feet in length, nor more than four (4) feet in beam or width. The Harbormaster shall confirm such dimensions.
- 401.5** No person may drive or operate a watercraft within the entrance/exit channel or within the inner harbor of Perkins Cove at a rate of speed that will produce a wash or wake from the watercraft which will unduly disturb other watercraft therein, and in no instance shall watercraft exceed a 5 MPH limit, except that this speed limit may be exceeded by watercraft entering or departing Perkins Cove in response to a water rescue emergency, or when the Harbormaster, or in his absence, a state or local police officer shall determine that watercraft must depart the cove in response to an emergency in the cove, such as fire or fuel spill, or other such potential disaster.

401.6 A person is guilty of operating a motorboat without a muffler if he operates a motorboat that is not equipped at all times with an effective and suitable muffling device on its engine or engines to effectively deaden or muffle the noise of the exhaust. **(BOS 06/06/95)**

401.7 No person may use a watercraft anchored, moored or otherwise situated within Perkins Cove as a dwelling place, domicile or living space.

401.8 Persons may, with permission from the Harbormaster and after payment of an annual registration fee at the Town Office, of such amounts that may be determined by the Board of Selectmen, tie a rowboat, skiff tender, dinghy, punt and/or other such watercraft to the bulkhead side of the lower dock for the period from 6/1 to 9/1 as long as such watercraft conforms with all other requirements for such watercraft contained in the Ordinance. **(ATM 4/5/03)**

ADD:
401.9

Mooring lease holder shall be required to secure his/her vessel with bow and stern storm lines whenever the forecast for wind exceeds thirty-five (35) knots out of any easterly quadrant for for a minimum of twelve (12) hours.

**TITLE VIII
HARBOR
AND
WATERCRAFT ORDINANCE**

Chapter 7 Mooring Regulations

- 701 For the purpose of this Ordinance, the following Mooring Regulations shall be observed.
- 701.1 The mooring and anchoring of all watercraft in Perkins Cove shall be governed, regulated and controlled by the municipality in accordance with the provisions of 38 MRSA § 2-9, as amended, and the Local Cooperation Agreement (LCA) between the municipality and the Department of the Army acting through the U. S. Army Corps of Engineers, the same being attached to this Ordinance as Appendix III. The municipal officers only shall establish rules and regulations governing the public use of the waters of Perkins Cove.
- 701.2 The mooring of watercraft shall be restricted to those areas so designated by the municipal officers, in accordance with 38 MRSA § 2-3, as amended. All moorings set or placed within the inner harbor of Perkins Cove, that being upriver or inland of the existing Perkins Cove footbridge, shall conform to these regulations.
- 701.3 Specific mooring sites shall be assigned by the Harbormaster.
- 701.4 The physical site of each mooring and the material, such as line, chain, fasteners, and other like items, must be approved by the Harbormaster prior to the installation and mooring of any watercraft. Compliance with such mooring specifications does not guarantee the safety of the mooring nor does it create any liability on the part of the Harbormaster or the municipality.
- 701.5 As of June 1, 1996, boats of permanent mooring holders equipped with tuna stands longer than ten feet must have a means of retraction. *If there is a complaint to the Harbormaster, the stand must be retracted when in the waters of Perkins Cove. (BOS 06/06/95)*
- 701.6 Only a single watercraft may be tied to a single mooring at anyone time. Should the mooring holder wish to replace his or her watercraft, the replacement must comply with the pertinent size regulations cited in Chapter 4 of this Ordinance and must have the

Harbormaster's written approval of the replacement prior to its being moored or anchored in Perkins Cove.

701.7 Each mooring is allowed one non-motorized tender or dinghy, which shall have the owner's name, placed thereon. **(BOS 06/06/95)**

701.8 Existing mooring assignment holders shall retain their mooring priority until such time as a holder fails to pay the required mooring fees; voluntarily surrenders the mooring; or fails to comply with the mooring regulations contained within this Ordinance.

701.9 In that instance when a mooring assignment holder sells, or otherwise disposes of his or her watercraft, so long as the holder's annual mooring fees are current, he or she shall have a one (1) year grace period in which to replace the watercraft with one that likewise meets the size limitations dictated by this Ordinance.

701.9.a After a year's grace period, if the same watercraft or one of similar size is not placed back on the leased mooring by June 1 of the next year, the mooring will become forfeited and open to the Mooring Waiting List applicant. **(BOS 6/15/99)**

ADD – NEW

701.10 **There shall be two (2) Mooring Waiting Lists: Small Boat (25' or less) and Large Boat (26' or greater). Within each List, there shall be two (2) categories: Commercial and Non-Commercial. Mooring vacancies shall be filled from the appropriate Mooring Waiting List on a first-come, first-serve basis, based on filing date of the application(s).**

701.10.a **Upon refusal of an offered mooring, applicant who wishes to remain on the Mooring Waiting List will be required to pay another filing fee and will have his/her name placed at the bottom of the appropriate Mooring Waiting List.**

701.10.b **To upgrade from a small boat mooring to a large boat mooring, the applicant's name will be placed at the bottom of the large boat Mooring Waiting List.**

- 701.10-11** Mooring assignments shall be available in the following priorities:
- a. Commercial
 - b. Non-commercial/recreation

ADD

- 701.11.a** **Failure to demonstrate commercial activity will result in the loss of the mooring lease and that mooring loss will be at the discretion of the Harbormaster, and will include a period of time (one year) for the mooring holder to come into compliance. Any mooring lease holder must provide appropriate licenses and business plan, and/or other documentation sufficient to prove commercial activity, to the Harbormaster, upon request. Loss of mooring lease may be first appealed to the Harbor Committee. Any further appeal may be made to the Select Board.**
- 701.11.b** **Commercial mooring holders must demonstrate commercial activity every year for a period of ten (10) years in order to maintain the mooring lease and its commercial status.**
- 701.11.c** **After a period of ten (10) years of proven continuous commercial activity, the commercial mooring lease holder may, at his/her discretion opt to discontinue commercial mooring activity and still retain the mooring under a recreational/non-commercial status without the rights and privileges of a commercial mooring lease.**

701.11 12 As a means of defraying costs for the administration of this Ordinance, and the maintenance of floats, bulkheads, pilings, and other public structures in, around and associated with Perkins Cove, each mooring holder shall be charged an annual fee based upon the length of the moored watercraft in linear feet, each fraction of a foot, to be rounded up to the next foot. It is the responsibility of the mooring holders to provide proof of ownership of a watercraft assigned to a specific mooring. Ownership must be proved at the time of application for a Mooring Permit. (4/3/00) Such fees shall be set from time-to-time by the municipal officers and shall be attached as an Appendix to this Ordinance. (5/06/97)

701.16

Harbormaster shall have full authority to shift boats from different mooring locations within the Cove, when deemed necessary.

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend **Title X, (Ogunquit Zoning Ordinance) - Article 7, Table 702.1** dated March 18, 2011, *To Allow Outside Sales of Live Lobsters by Ogunquit Fishermen Who Hold Commercial Lobstering Licenses in Designated Fisherman Parking Areas in Perkins Cove*". This proposed amendment will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

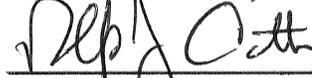
Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the proposed ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: May 17, 2011

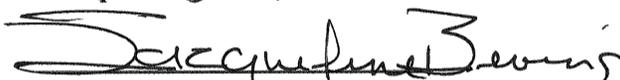
**OGUNQUIT
BOARD OF SELECTMEN**

Not Present

Donato J. Tramuto, Chairman



Philip J. Cavaretta, Vice-Chairman



Jacqueline G. Bevins, Member



Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED: _____

P:\Elections\Ordinance Certification.doc

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

March 29, 2011

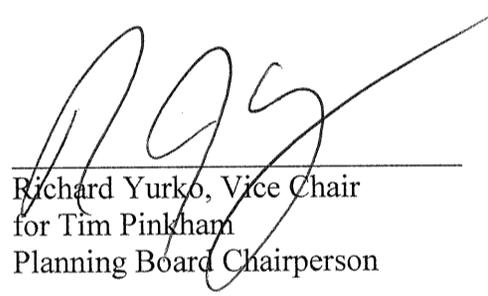
To The Ogunquit Select Board,

re: Proposed amendment to the Ogunquit Zoning Ordinance:

An Ordinance to Amend the Ogunquit Zoning Ordinance To Allow Outside Sales of Live Lobsters by Commercial Lobstering License Holders In Designated Fisherman Parking Areas in Perkins Cove

On March 28, 2011 the Ogunquit Planning Board held a Public Hearing on the above noted proposed Amendment to the Ogunquit Zoning Ordinance. Following that Public Hearing the Board unanimously voted to submit the above noted Amendment to you with a request for inclusion on the June Warrant.

The Planning Board respectfully requests that the proposed amendment to the Ogunquit Zoning Ordinance be included on the warrant for the June 7, 2011 Town Meeting.



Richard Yurko, Vice Chair
for Tim Pinkham
Planning Board Chairperson

pc: Thomas Fortier, Town Manager (w/ enclosure)
 Judy Shaw, Ogunquit Town Clerk (w/ enclosure)

Article _

An Ordinance to Amend the Ogunquit Zoning Ordinance
To Allow Outside Sales of Live Lobsters by Fishermen Who Hold Commercial Lobstering License Holders
In Designated Fisherman Parking Areas in Perkins Cove

19 April 2011

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

ARTICLE 7 – DISTRICT REGULATIONS

* * * * *

TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICTS

Land Uses	OFR	R D	R R1	RR 2	PCR	DB	GB1	GB 2	LB	F	Shoreland Zones			
											SLR	SLC	SG1	SG2
Outdoor sales, services & storage areas including mobile stations	NP	NP	NP	NP	NP	NP	NP	NP ⁵	NP	NP	NP	NP	NP	NP ¹⁰

* * * * *

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below.
- 2 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.
- 3 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the-dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Article 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by Ogunquit fishermen who hold commercial lobstering licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, regardless of any other provisions of this Ordinance.

Article _
 An Ordinance to Amend the Ogunquit Zoning Ordinance
 To Allow Outside Sales of Live Lobsters by Commercial Lobstering License Holders
 In Designated Fisherman Parking Areas in Perkins Cove

18 March 2011

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

ARTICLE 7 – DISTRICT REGULATIONS

* * * * *

TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICTS

* * * * *

Land Uses	OFR	RD	RR1	RR2	PCR	DB	GB1	GB2	LB	F	Shoreland Zones					
											SLR	SLC	SG1	SG2	SP	RP
Outdoor sales, services & storage areas including gasoline stations	NP	NP	NP	NP	NP	NP	NP	NP ⁵	NP	NP	NP	NP	NP	NP ¹⁰	NP	NP

* * * * *

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below.
- 2 TA-4 is only allowed in those portions of the SLC District , immediately adjacent to the GB2 District.
- 3 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the-dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Article 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District..
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, regardless of any other provisions of this Ordinance.

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "**Conservation Commission Ordinance**". The proposed new **Title XIII** of the Ogunquit Municipal Code *To Establish the Conservation Commission Ordinance and To Set a Procedure for Recommending the Designation of Conservation Land or Wildlife Commons dated March 2, 2011*, will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

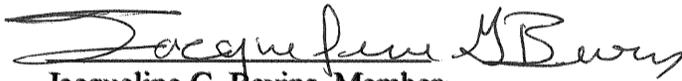
Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the proposed Ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: May 17, 2011

**OGUNQUIT
BOARD OF SELECTMEN**

~~Not Present~~
Donato J. Tramuto, Chairman


Philip J. Cavaretta, Vice-Chair


Jacqueline G. Bevins, Member


Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy S. Kagiliery, Town Clerk

DATED: _____

Article
An Ordinance to Amend the Ogunquit Town Code
To Establish the Conservation Commission by Ordinance, and
To Set Out a Procedure for Recommending the Designation of Conservation Land
or Wildlife Commons to the Town Meeting

2 March 2011

(Note: Language proposed to be inserted is indicated by underlining. The following text shall be added to the Code of the Town of Ogunquit, upon adoption by a Town Meeting.)

Title XIII Conservation Commission

101. Title

This title shall be known as the Ogunquit Conservation Commission Ordinance.

102. Purpose

The Town of Ogunquit shall establish a Conservation Commission to implement the policy recommendations of the Comprehensive Plan to preserve and protect valuable natural and wildlife resources, to mitigate the loss of open spaces, particularly along the shoreline and adjacent to wetlands.

103. Definitions

Conservation Land shall be defined as land, owned in fee or by easement by the Town of Ogunquit, which, either by its own value or in conjunction with other town-owned parcels, will be useful to advance one or more of the following objectives:

1. Protecting and safeguarding the health of Ogunquit's water resources, including wetlands, rivers, streams, estuaries, beaches, and clam flats.
2. Preserving open spaces as green buffers, with aesthetic and/or ecological value, that will sustain and enhance wildlife habitats and native vegetation.

Wildlife Commons shall be defined as conservation land, as defined above, which is suitable in size, access, and resource features, making it appropriate for public visitation and which could serve as a field site for environmental education. Public visitation to a wildlife commons shall be limited to traditional, non-intensive, non-motorized, outdoor recreation activities, which are dependent on the presence of undeveloped natural features. Traditional non-intensive, non-motorized, outdoor recreation activities shall include, but not be limited to, hiking, snowshoeing, skiing, fishing, hunting, birding, picnicking, photography, and orienteering.

104. Establishment of Conservation Commission

Pursuant to Title 30-A MRSA sec 3261, the Town of Ogunquit hereby establishes, by ordinance, a conservation commission, as a permanent standing committee of seven (7) members who shall be residents of the Town. This commission being the same body as established by resolution by the Ogunquit Select Board on July 15, 2003.

105. Appointments

Members shall initially be appointed for terms of one, two and three years, such that the terms of approximately one-third of the members will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

106. Duties

The Conservation Commission shall:

106.1. Keep records of its meetings and activities and make an annual report to the Select Board;

106.2. Conduct research, in consultation with the Planning Board, on undeveloped natural areas and open spaces within the Town of Ogunquit;

106.3. Seek to coordinate the activities of conservation bodies outside of the Town of Ogunquit organized for similar purposes; and

106.4. Keep an index of all open areas within the Town of Ogunquit, whether publicly or privately owned, including, but not limited to, wetlands, meadows, and forests, for the purpose of obtaining information relating to the proper protection, development or use of those open areas.

106.5 Coordinate the specific actions as called for in Chapter 6, Section C of the 2003 Update of the Comprehensive Plan.

106.5. Make recommendations to the Planning Board regarding its reviews of development applications, preparation of zoning ordinance amendments, and amendments to the comprehensive plan, pursuant to the procedures set forth in the Ogunquit Zoning Ordinance.

106.6. The Commission shall work with the Select Board and Town Manager, in accordance with any Town policies and the Town charter, when incurring liabilities against the Town, expending any funds, or conducting public meetings.

107. State to Acknowledge Conservation Commission

Any body politic or public agency of the State conducting planning operations with respect to open areas within the Town of Ogunquit shall notify the Conservation Commission of all plans and planning operations at least 30 days before implementing any action under that plan.

108. Powers

The Conservation Commission may:

108.1. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;

108.2. The Conservation Commission may recommend to the Select Board or any other municipal body or Board, or any body politic or public agency of the State, a program for the better protection, development or use of any natural areas of aesthetic or ecological value.

108.3. And if expressly authorized by the Select Board, have the care and superintendence of those public parks specifically designated by the Select Board.

108.4. Receive gifts, other than real property, in the name of the Town of Ogunquit for any of the Commission's purposes, and shall administer the gift for those purposes subject to the terms of the gift.

108.5. Recommend to the Town Meeting, acquisition of lands for use as conservation land or a wildlife commons, as defined by this ordinance, and according to the procedure set forth below.

108.6. When authorized by the Select Board, manage conservation land or wildlife commons acquired by the Town of Ogunquit for conservation purposes

109. Acquisition of Land as designated Conservation Land or Wildlife Commons

109.1 Recommendation to Select Board

As part of process of inventorying and indexing lands, set forth in section 106.4 above, and to implement the policies of the Comprehensive Plan, the Ogunquit Conservation Commission may recommend that the Town acquire or accept donations of land, or designate appropriate parcels of land already in Town ownership, to be designated as "conservation land" or as "wildlife commons," as defined by this Ordinance.

109.2 Town Meeting Action

When the Conservation Commission recommends to the Select Board that a parcel of land be acquired, accepted and/or designated as "conservation land" or "wildlife commons" in accordance with this Ordinance, the Board shall place the matter on a Town Meeting warrant for approval. Such designation shall become effective, and the Town's use of the land limited by the designation, only after the designation is approved by vote of the Town at any Town Meeting.

109.3 Restrictions by the Grantor Included in the Warrant Article.

The Town of Ogunquit may acquire or accept donations of land to be designated as conservation land or wildlife commons, with restrictions affecting the future use of the property, placed on the sale or donation by the grantor. Any such restrictions shall be included in the warrant article..

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "***Property Assessed Clean Energy Ordinance (PACE)***". The proposed new Title XIV of the Ogunquit Municipal Code *To Establish the Property Assessed Clean Energy Program so owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Ogunquit, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and to enter into a contract with the Trust to administer functions of the PACE program*, will be presented to voters, by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 14, 2011.

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

DATED: May 17, 2011

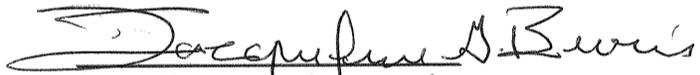
**OGUNQUIT
BOARD OF SELECTMEN**

Not Present

Donato J. Tramuto, Chairman



Philip J. Cavaretta, Vice-Chair



Jacqueline G. Bevins, Member



Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy S. Kagiliery, Town Clerk

DATED: _____

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Proposed PROPERTY ACCESSED CLEAN ENERGY (PACE) ORDINANCE

CHAPTER 1 - PURPOSE AND ESTABLISHED LEGISLATION

101 Purpose

The purpose of this Ordinance is to enable its citizens to participate in a Property Assessed Clean Energy (PACE) Program so that owners of qualifying property can access financing for energy saving improvements to their property(ies) located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

102 Established Legislation

The Town of Ogunquit enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature – “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (35-A M.R.S.A. § 10151, *et seq.*).

CHAPTER II- TITLE AND DEFINITIONS

201 Title

This Title shall be known and may be cited as the “Town of Ogunquit Property Assessed Clean Energy (PACE) Ordinance”.

202 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meaning indicated:

202.1 Energy saving improvement: An improvement to qualifying property that is new and permanently affixed to qualifying property and that:

(a) Will result in increased energy efficiency and substantially Reduce energy use and:

1. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of

Energy, Energy Star Program or similar energy efficiency Standards established or approved by the Trust; or

2. Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

(b) Involves a renewable energy installation or an electric thermal Storage system that meets or exceeds standards established or approved by the Trust.

- 202.2** Municipality: The Town of Ogunquit “Town”.
- 202.3** PACE agreement: An agreement between the owner of the qualifying property and the Trust that authorizes the creation of the PACE mortgage on qualifying property and that is approved, in writing, by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- 202.4** PACE assessment: An assessment made against a qualifying property to repay a PACE loan.
- 202.5** PACE district: The area within the Town establishing a PACE Program hereunder, which is all that area within the Town’s boundaries.
- 202.6** PACE loan: A loan, secured, by a PACE mortgage, made of the owner(s) of a qualifying property pursuant to a PACE Program to fund energy saving improvements.
- 202.7** PACE mortgage: A mortgage securing a loan made pursuant to the PACE Program to fund energy saving improvements on qualifying property.
- 202.8** PACE program: A program established under State statute by the “Trust” or a municipality under which property owners can finance energy savings improvements on qualifying property.
- 202.9** Qualifying property: Real property located in the Town.

202.10 Renewable energy installation: A fixture, product, system device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

202.11 Trust: The Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

CHAPTER III - PACE PROGRAM

301 Establishment

The Town hereby establishes a PACE Program allowing owners of qualifying property located in the Town who so choose to access financing for energy saving improvement to their property through PACE loans administered by the “Trust” or its agent.

302 Funding

The PACE program shall be financed by funds awarded to the “Trust” under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose.

303 Amendment to PACE Program

The Town may, from time-to-time, amend this Ordinance to use any other funding sources made available to it or appropriated for by it for the express purpose of the PACE program, and the Town shall be responsible for administration of loans made from those other funding source.

CHAPTER IV- PACE PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

401 Administration

The “Trust” shall administer the PACE Program for the Town in accordance with a PACE administration contract between the Town and the Trust, which will establish the administrative duties of the Trust, including, without limitation:

- (a) the Trust will enter into PACE agreements with owners of qualifying property in the Town;
- (b) the Trust, or its agent, will create and record a Notice of the PACE agreement in the York County Register of Deeds to create a PACE mortgage;
- (c) the Trust, or its agent, will disburse the PACE loan to the property owner;
- (d) the Trust, or its agent, will send PACE assessment statements, with payment deadlines, to the property owner;
- (e) the Trust, or its agent, will be responsible for collection of the PACE assessments;
- (f) the Trust, or its agent, will record any lien, if needed, due to non-payment of the assessment; and
- (g) the Trust, or its agent, shall promptly record the discharges of PACE mortgages upon full payment of the PACE loan.

401.1 Assessments Not a Tax

PACE assessments do not constitute a tax, but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

401.2 Assistance and Cooperation

The Town will assist and cooperate with the Trust in its administration of the Town’s PACE Program.

402 Liability of Municipal Officials; Liability of Municipality

- (a) Notwithstanding any other provision of law to the contrary, municipal officers and officials, including, without limitation, tax assessors, and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
- (b) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under this Section the Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

CHAPTER V - MUNICIPALITY’S RESPONSIBILITIES

501 Education and Outreach Program.

The Town agrees to adopt and implement an education and outreach program so that owners of property in the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

502 Conformity with Home Energy Savings Program

The Town agrees to conform its PACE Program to requirements contained in the Home Energy Savings Program.

503 Acceptance and Disbursement of Funds

The Town agrees to accept PACE funds from the Trust and disburse PACE funds back to the Trust, as needed, to satisfy the conditions of

the federal grants and to allow the Trust to fund and administer a uniform system of municipal PACE Programs throughout the State.