

MRS Title 23, Chapter 21: MAINE TRAVELER INFORMATION SERVICES

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23 §1901. Legislative findings

The Legislature of this State makes the following findings of fact. [1981, c. 318, §1 (RPR).]

1. Tourist industry. A large and increasing number of tourists has been coming to Maine and, as a result, the tourist industry is one of the important sources of income for Maine citizens, with an increasing number of persons directly or indirectly dependent upon the tourist industry for their livelihood.

[1981, c. 318, §1 (RPR) .]

2. Information discrimination. Very few convenient means exist in the State to provide information on available public accommodations, commercial services for the traveling public and other lawful businesses and points of scenic, historic, cultural, educational and religious interest. Provision of those facilities can be a major factor in encouraging the development of the tourist industry in Maine.

[1981, c. 318, §1 (RPR) .]

3. Scenic resources. Scenic resources of great value are distributed throughout the State, and have contributed greatly to its economic development by attracting tourists, permanent and part-time residents and new industries and cultural facilities.

[1981, c. 318, §1 (RPR) .]

4. Preservation of scenic resources. The scattering of outdoor advertising throughout the State is detrimental to the preservation of those scenic resources, and so to the economic base of the State, and is also not an effective method of providing information to tourists about available facilities.

[1981, c. 318, §1 (RPR) .]

5. Proliferation of outdoor advertising. The proliferation in number, size and manner of outdoor advertising is hazardous to highway users.

[1981, c. 318, §1 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR).

23 §1902. Policy and purposes

To promote the public health, safety, economic development and other aspects of the general welfare, it is in the public interest to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services and other businesses and points of scenic, cultural, historic, educational, recreational and religious interest. To provide this information and guidance, it is the policy of the State and the purpose of this chapter to: [1981, c. 318, §1 (RPR).]

1. Official information centers; signs. Establish and maintain official information centers and a system of official business directional signs;

[1981, c. 318, §1 (RPR) .]

2. Information publications. Provide official directories, guidebooks, maps and other tourist and traveler information publications;

[1981, c. 318, §1 (RPR) .]

3. Control outdoor advertising. Prohibit and control the indiscriminate use of outdoor advertising; and

[1981, c. 318, §1 (RPR) .]

4. Protection of scenic beauty. Enhance and protect the natural scenic beauty of the State.

[1981, c. 318, §1 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR).

23 §1903. Definitions

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings. [1981, c. 318, §1 (RPR).]

1. Commissioner. "Commissioner" means the Commissioner of Transportation.

[1981, c. 318, §1 (RPR) .]

1-A. Controlled access highway. "Controlled access highway" means a highway to which, in the interest of safety and efficiency of operation, abutting property owners have no right of direct access and on which the type and location of all access connections are determined and controlled by the department.

[1993, c. 516, §1 (NEW) .]

1-B. Controlled access bypass. "Controlled access bypass" means a highway designed to bypass an existing business district and meeting the definition of a controlled access highway.

[1993, c. 516, §1 (NEW) .]

1-C. Agricultural product. "Agricultural product" means an item under paragraph A, B, C or D if the item is sold in accordance with any applicable state or federal law or rule:

A. Fresh fruit, fresh produce or a fresh horticultural or agronomic commodity and a seasonal product made from that fresh fruit, fresh produce or fresh horticultural or agronomic commodity; [1997, c. 635, §1 (NEW) .]

B. Trees and wreaths used for decorative purposes; [1997, c. 635, §1 (NEW) .]

C. Maple syrup; and [1997, c. 635, §1 (NEW) .]

D. A fresh food product made from an animal raised for the purpose of providing food or from the products of that animal. [1997, c. 635, §1 (NEW) .]

[1997, c. 635, §1 (NEW) .]

2. Erect. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

[1981, c. 318, §1 (RPR) .]

3. Interstate system or interstate highway. "Interstate system" or "interstate highway" means any state highway which is or does become part of the national system of interstate or defense highways, as described in the United States Code, Title 23, section 103(d) and amendments thereto or replacements thereof.

[1981, c. 318, §1 (RPR) .]

4. Logo. "Logo" means a single or multicolored symbol or design used by a business as a means of identifying its products or services.

[1981, c. 318, §1 (RPR) .]

5. Maintain. "Maintain" means to allow to exist.

[1981, c. 318, §1 (RPR) .]

6. Motor vehicle. "Motor vehicle" means a self-propelled vehicle capable of legal operation on the traveled portion of the state highways.

[1981, c. 318, §1 (RPR) .]

7. Official business directional sign. "Official business directional sign" means a sign erected and maintained in accordance with this chapter, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to section 1910.

[1981, c. 318, §1 (RPR) .]

8. On-premise sign. "On-premise sign" means a sign which is erected and maintained according to the standards set forth in section 1914 upon the same real property that the business, facility or point of interest is located or an approach sign as permitted by section 1914, subsection 10. The signs shall only advertise the business, facility or point of interest conducted thereon or the sale, rent or lease of the property upon which it is located.

[1981, c. 318, §1 (RPR) .]

9. Person. "Person" means an individual, corporation, joint venture, partnership or any other legal entity.

[1981, c. 318, §1 (RPR) .]

10. Primary system or primary highway. "Primary system" or "primary highway" means any state highway which is or does become part of the federal aid primary system, as described in the United States Code, Title 23, section 103(b) and amendments thereto and replacement thereof.

[1981, c. 318, §1 (RPR) .]

10-A. Private way. "Private way" means a private road, driveway or public easement as defined in section 3021.

[1981, c. 318, §1 (RPR) .]

10-B. Producer. "Producer" means a person who produces, cultivates, grows or harvests an agricultural product.

[1997, c. 635, §1 (NEW) .]

11. Public way. "Public way" means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.

[1981, c. 318, §1 (RPR) .]

12. Residential directional sign.

[1981, c. 576, §1 (RP) .]

13. Secondary system or secondary highway. "Secondary system" or "secondary highway" means any state highway, but which is not part of the interstate or primary systems.

[1981, c. 318, §1 (RPR) .]

14. Sign. "Sign" means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames.

[1981, c. 318, §1 (RPR) .]

15. State highway or highway. "State highway" or "highway" means any public way which is so designated by this Title, including interstate, primary and secondary highways.

[1981, c. 318, §1 (RPR) .]

16. Traffic control sign or device. "Traffic control sign or device" means an official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way and these signs shall be exempt from the requirements of this chapter.

[1981, c. 318, §1 (RPR) .]

17. Visible. "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

[1981, c. 318, §1 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1979, c. 477, §§2-4 (AMD). 1981, c. 576, §1 (AMD). 1981, c. 318, §1 (RPR). 1993, c. 516, §1 (AMD). 1997, c. 635, §1 (AMD).

23 §1904. Travel Information Advisory Council

1. Creation. The Travel Information Advisory Council, established by Title 5, section 12004-I, subsection 86, shall advise the commissioner with respect to the administration of this chapter. The commissioner shall cooperate with the council by providing necessary assistance.

[1989, c. 503, Pt. B, §99 (AMD) .]

2. Powers and duties. The Travel Information Advisory Council shall advise the commissioner on rules relating to the determination of location, size, color and lettering for official business directional signs and on all other matters necessary and appropriate for the administration of this chapter.

[1981, c. 318, §1 (RPR) .]

3. Membership. The Travel Information Advisory Council is composed as follows.

A. Nine members are appointed by the Governor as follows:

- (1) One representative of the lodging industry;
- (2) One representative of the restaurant industry;
- (3) One representative of garden clubs;
- (4) One representative of agriculture;
- (5) One representative of the recreation industry;
- (6) One representative of environmental organizations;
- (7) One representative of nonprofit historical and cultural institutions;
- (8) One representative of sign designers and fabrication artisans; and
- (9) One representative of the general public.

These members are appointed to 2-year terms of office expiring on January 16th, with the terms of those members appointed under subparagraphs (1), (2), (3) and (4) expiring in odd-numbered years and the terms of those members appointed under subparagraphs (5), (6), (7), (8) and (9) expiring in even-numbered years. [1991, c. 548, Pt. B, §2 (RPR) .]

- B. [1999, c. 152, Pt. F, §1 (RP) .]
- C. [1991, c. 548, Pt. B, §2 (RP) .]
- D. [1991, c. 548, Pt. B, §2 (RP) .]
- E. [1991, c. 548, Pt. B, §2 (RP) .]
- F. [1991, c. 548, Pt. B, §2 (RP) .]
- G. [1991, c. 548, Pt. B, §2 (RP) .]
- H. [1991, c. 548, Pt. B, §2 (RP) .]
- I. [1991, c. 548, Pt. B, §2 (RP) .]
- J. [1991, c. 548, Pt. B, §2 (RP) .]
- K. [1991, c. 548, Pt. B, §2 (RP) .]

If a vacancy occurs prior to the expiration of a term of any member, including legislative members, that vacancy must be filled by the appointing authority as provided in this subsection for the remainder of that term.

[1999, c. 152, Pt. F, §1 (AMD) .]

4. Meetings and compensation. Meetings must be held at the call of the chair or at the call of more than 1/2 of the membership. Members of the council, except state employees, are entitled to compensation according to the provisions of Title 5, chapter 379. All council expenses must be paid from the account established by section 1919.

[1989, c. 735, §2 (NEW) .]

5. Chair. The Governor shall appoint the chair of the council.

[1989, c. 735, §2 (NEW) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 576, §2 (AMD). 1981, c. 318, §1 (RPR). 1983, c. 812, §§140,141 (AMD). 1989, c. 503, §B99 (AMD). 1989, c. 735, §S1,2 (AMD). 1991, c. 548, §B2 (AMD). 1999, c. 152, §F1 (AMD).

23 §1905. Official tourist information centers

To the extent funds are available or contracts can be entered into, the commissioner shall establish official tourist information centers near the principal entrance points into the State, as determined by the commissioner, with the advice and recommendation of the Director of the State Development Office, and at such other locations as the commissioner deems appropriate in order to provide information about public accommodations, facilities, commercial services and other businesses for the traveling public, and points of scenic, historic, cultural, recreational, educational and religious interest. [1983, c. 477, Pt. 26, §6 (AMD).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR). 1983, c. 477, §§E,26,6 (AMD).

23 §1906. Official business directional signs

1. Erection and maintenance. The commissioner, with the advice of the Travel Information Advisory Council, shall designate locations for and erect official business directional signs licensed under this chapter. The official business directional signs shall be furnished and preserved by the applicant thereafter and shall conform to regulations issued by the commissioner with the advice of the Travel Information Advisory Council. Such regulations shall be consistent with section 1910.

[1981, c. 318, §1 (RPR) .]

2. Agreements with municipalities. The commissioner may:

A. Enter into contractual or other arrangements with any municipality of this State providing for the erection of official business directional signs distinctive to that municipality upon finding that:

- (1) The municipality has in effect an ordinance or regulation establishing a mandatory program of distinctive official business directional signs;
 - (2) The ordinance or regulation is administrable and enforceable and will be properly administered and enforced; and
 - (3) The ordinance or regulation is consistent with the policy and purposes of this chapter; and
- [1981, c. 576, §3 (NEW).]

B. Contract or arrange with any municipality for administration by that municipality within its boundaries of any appropriate matter under this chapter. Any contract or arrangement made under this paragraph and any action taken pursuant to it shall comply with the policy and purposes of this chapter. [1981, c. 576, §3 (NEW).]

Whenever any of the conditions set forth in this subsection are no longer being met, the commissioner shall promptly resume the administration of the official business directional sign program under this chapter. The commissioner shall provide written notice of his action to the municipality and may require nonconforming signs to be removed immediately.

[1981, c. 576, §3 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 576, §3 (AMD). 1981, c. 318, §1 (RPR).

23 §1907. Published information

(REPEALED)

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR). 1983, c. 477, §§E,26,7 (RP).

23 §1908. Regulation of outdoor advertising

No person may erect or maintain signs visible to the traveling public from a public way except as provided in this chapter. [1981, c. 318, §1 (RPR).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR).

23 §1909. Eligibility for official business directional signs

Lawful businesses and points of interest and cultural, historic, recreational, educational and religious facilities are eligible for official business directional signs, subject to this chapter and to rules promulgated by the commissioner with the advice of the Travel Information Advisory Council, and to any federal law, rule or regulation affecting the allocation of federal highway funds or other funds to or for the benefit of the State or any agency or subdivision thereof. [1981, c. 318, §1 (RPR).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR).

23 §1910. Types and arrangements of signs

Subject to this chapter, the commissioner, with the advice of the Travel Information Advisory Council, shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. A symbol may be specified for each type of eligible service of facility for inclusion upon official business directional signs. [1981, c. 576, §4 (AMD).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1979, c. 477, §5 (AMD). 1981, c. 576, §4 (AMD). 1981, c. 318, §1 (RPR).

23 §1911. Number and location of signs

1. Location limited. Official business directional signs shall only be located in those vicinities where the traveler must change direction from one public way to another to reach the business, facility or point of interest.

[1981, c. 318, §1 (RPR) .]

2. Number limited. Notwithstanding section 1918, the commissioner shall not issue more than 6 licenses for official business directional signs for any one place of business, facility or point of interest eligible therefor under section 1909, not more than one such official business sign shall be visible to traffic moving in any one public way leading toward the place of business, facility or point of interest nor shall any license be issued for a sign located more than 10 miles radius from the place of business, facility or point of interest.

[1981, c. 576, §5 (AMD) .]

3. Waiver of requirements. The commissioner may waive the specific requirements of this section if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

[1981, c. 318, §1 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1979, c. 477, §6 (AMD). 1981, c. 576, §5 (AMD). 1981, c. 318, §1 (RPR).

23 §1912. Permitted locations

In adopting regulations relating to locations for official business directional signs, the commissioner shall take into consideration such factors as the effect upon highway safety, the convenience of the traveling public and the preservation of scenic beauty. [1981, c. 318, §1 (RPR).]

When appropriate, because of the number of signs at one location, the signs shall be displayed in tiers or on panels. Subject to the traffic safety regulations adopted by the commissioner for the purposes of this chapter, the commissioner shall also specify by regulation the general types of locations where such posts, signs or panels may be erected and maintained, and the size, shape, lighting and other characteristics of the panels and posts, including the locations of signs thereon. [1981, c. 318, §1 (RPR).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §1 (RPR).

23 §1912-A. Official business directional signs on controlled access highways

1. Interstate highway. Official business directional signs are not permitted within the right-of-way of the interstate highway.

[1993, c. 516, §2 (NEW) .]

2. Permitted on certain controlled access bypasses. Official business directional signs are not permitted within the right-of-way of controlled access highways except as provided in this subsection. Official business directional signs are permitted within the right-of-way of a controlled access bypass when the controlled access bypass is part of a route, as designated by its route number, that is not a controlled access highway throughout its length.

[1993, c. 516, §2 (NEW) .]

SECTION HISTORY

1993, c. 516, §2 (NEW).

23 §1912-B. Logo signs on the interstate highway system

Pursuant to rules adopted under this section, the commissioner may authorize the placement of logo signs within the right-of-way of the interstate system. A logo sign may not be larger than existing service information signs permitted on the interstate highway. Logo signs may be installed only on portions of the interstate highway that are rural in character or on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike. A logo sign may include only logos for gas, food, lodging, camping and attractions. Applications from at least 3 qualified businesses must be approved before installation of a logo sign panel at an exit. Logos for 2 or more types of service may be displayed on the same sign panel. More than one logo sign panel may be installed at an exit only when 3 or more qualified businesses are available for each of 2 or more types of service. The number of logo sign panels at an exit may not exceed one for each type of service or a total of 5 for all types of services. Rules adopted under this section must regulate the size, shape, manner and location of logo signs and must describe the procedure for applying to the department for permission to erect a logo sign and the criteria used by the department to select among applicants. The commissioner shall establish fees for the production and placement of a logo sign and annual fees to cover the maintenance costs. [2005, c. 482, §2 (AMD).]

The commissioner, with the advice of the Travel Information Advisory Council, shall adopt rules to implement this section. Those rules may not be adopted until March 15, 1996. The commissioner shall report to the Joint Standing Committee on Transportation in January 1996 on the development of those rules. [1995, c. 416, §1 (NEW).]

SECTION HISTORY

1995, c. 416, §1 (NEW). 1995, c. 663, §1 (AMD). 2005, c. 482, §2 (AMD).

23 §1913. Categorical signs

(REPEALED)

SECTION HISTORY

1977, c. 494, §1 (NEW). 1977, c. 696, §196 (AMD). 1979, c. 477, §7 (RPR). 1981, c. 311, §§1,2 (AMD). 1981, c. 318, §2 (RP). 1981, c. 576, §6 (RP).

23 §1913-A. Categorical signs

1. Types of signs. The following signs may be erected and maintained without license or permit under this chapter as follows:

A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district; [1981, c. 318, §3 (NEW).]

B. Signs located on or in the rolling stock of common carriers, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [1981, c. 318, §3 (NEW).]

C. Signs on registered and inspected motor vehicles, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [1981, c. 318, §3 (NEW).]

D. Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of motor buses; [1981, c. 318, §3 (NEW).]

E. Signs showing the place and time of service or meetings of religious and civic organizations, in the municipality or township. Each religious or civic organization may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches; [1981, c. 318, §3 (NEW).]

F. Memorial signs or tablets; [1981, c. 318, §3 (NEW).]

G. Hand-held or similar signs not affixed to the ground or buildings; [1999, c. 152, Pt. G, §2 (AMD).]

H. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter; and [1999, c. 152, Pt. G, §2 (AMD).]

I. Adopt-A-Highway Program signs allowed under section 1117. [1999, c. 152, Pt. G, §3 (NEW).]

[1999, c. 152, Pt. G, §§2, 3 (AMD) .]

2. Types of signs outside the right-of-way.

The following signs may be erected and maintained outside of the public right-of-way without license or permit under this chapter as follows:

A. Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction public supper, lawn sale, campaign or drive or other like event or soliciting contributions; [1981, c. 318, §3 (NEW).]

B. Signs erected by fairs and expositions within the county where the activity is located; [1981, c. 318, §3 (NEW).]

C. Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations; [1981, c. 318, §3 (NEW).]

D. Signs erected by nonprofit historical and cultural institutions. Each institution which has certified its nonprofit status with the commissioner, may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign; [1991, c. 387, §1 (AMD).]

E. Signs bearing political messages; and [1991, c. 387, §1 (AMD).]

F. [1997, c. 635, §2 (RP).]

G. Signs erected between May 1st and December 31st by a producer of agricultural products, as long as those signs advertise products that are grown, produced and sold on the producer's premise. A producer that grows, produces and sells an agricultural product from a location with frontage on a numbered state highway may not erect a sign under this paragraph adjacent to that highway. Signs must be directional in nature and may advertise only the agricultural product that is available for immediate purchase. The producer erecting the sign shall remove the sign once the agricultural product advertised on the sign is no longer available. A sign may not exceed 8 square feet in size and must be located within 5 miles of where the product is sold. A sign may only be erected on private property after the producer erecting the sign has obtained the landowner's written consent. A sign must be a minimum of 33 feet from the center of a road. A producer may not erect more than 4 signs pursuant to this paragraph and the total number of signs erected by that producer under this paragraph and section 1911, subsection 2 may not exceed 6. [1997, c. 635, §3 (NEW).]

[1997, c. 635, §§2, 3 (AMD) .]

3. Regulations. The commissioner may promulgate regulations and orders, including prohibitions, to protect highway safety and implement the intent of this chapter.

The signs referred to in this section shall be subject to regulation, including prohibition, as set forth in section 1922.

[1981, c. 318, §3 (NEW) .]

4. Zones. The commissioner may promulgate regulations permitting signs, including signs bearing commercial messages, in any zone or area of the State, together with regulations concerning the dimensions, construction, illumination and other characteristics of such signs if the Attorney General certifies to the commissioner that the United States Supreme Court has determined that signs in such zones or areas must be permitted.

[1981, c. 318, §3 (NEW) .]

5. Prohibited practices. None of the signs referred to in this section may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs may be painted or drawn upon rocks or other natural features.

[1981, c. 318, §3 (NEW) .]

6. Interstate system. None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C and logo signs erected pursuant to section 1912-B, may be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

[1995, c. 416, §2 (AMD) .]

SECTION HISTORY

1981, c. 318, §3 (NEW). 1991, c. 387, §§1,2 (AMD). RR 1991, c. 2, §89 (COR). 1995, c. 416, §2 (AMD). 1997, c. 635, §§2,3 (AMD). 1999, c. 152, §§2,3 (AMD).

23 §1914. On-premise signs

1. License and permit. No license or permit may be required for an on-premise sign.

[1981, c. 318, §4 (RPR) .]

2. Number. On-premise signs on any one property shall not exceed 10 in number, except in the case of more than one business, facility or point of interest being conducted on one property, signs for each business, facility or point of interest shall not exceed 10 in number.

[1981, c. 318, §4 (RPR) .]

3. Location. On-premise signs shall be located within 1,000 feet of the principal building where the business or facility is carried on or practiced or within 1,000 feet of the point of interest. Storage areas, warehouses and other auxiliary structures and fixtures are not deemed to be buildings where the business, facility or point of interest is carried on or practiced.

[1981, c. 318, §4 (RPR) .]

4. Location, relation to public way. No on-premise signs may be permitted:

A. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;

[1981, c. 318, §4 (RPR) .]

B. Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; or [1981, c. 318, §4 (RPR) .]

C. Within the full width of the right-of-way of any public way. [1981, c. 318, §4 (RPR) .]

Paragraphs A and B shall not apply to signs erected before September 1, 1957.

[1981, c. 318, §4 (RPR) .]

5. Interstate highways. Not more than one on-premise sign, advertising the sale or lease of the property, may be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas, which is visible therefrom.

Not more than one on-premise sign visible from any portion of the interstate system including ramps and interchange areas, may be permitted more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on.

No on-premise advertisement, located more than 50 feet from the principal building or structure where the business, facility or point of interest advertised is carried on, may exceed 20 feet in length, width or height or 150 square feet in area, including border and trim, but excluding supports.

Any on-premise sign located more than 50 feet from the principal structure where the business, facility or point of interest is carried on that displays any trade name which refers to or identifies any service rendered or product sold shall display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

[1981, c. 318, §4 (RPR) .]

6. On-premise signs prohibited. An on-premise sign is prohibited if it:

A. Attempts or appears to attempt to direct the movement of traffic or interferes with, imitates or resembles any official traffic sign, signal or device; [1995, c. 390, §1 (AMD) .]

B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic; [1981, c. 318, §4 (RPR) .]

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection 11-A; [2001, c. 268, §1 (AMD) .]

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; or [1995, c. 390, §1 (AMD) .]

E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in subsection 11-A. [2001, c. 268, §1 (AMD) .]

[2001, c. 268, §1 (AMD) .]

7. Signs erected on natural features. No on-premise sign may be permitted which is erected or maintained upon trees or painted or drawn upon rocks or other natural features.

[1981, c. 318, §4 (RPR) .]

8. Height. The maximum height of on-premise signs shall be 25 feet above the ground level of land upon which it is located or if the sign is affixed to or is part of a building, the maximum is 10 feet above the roof of the building.

[1981, c. 318, §4 (RPR) .]

9. Jurisdiction by local authority in compact areas. Except as otherwise provided in this chapter, administration of this chapter by the Department of Transportation does not apply to on-premises advertisements located in compact areas of an urban compact municipality, as defined in section 754,

the administration of which is the responsibility of local authority. In compact areas of an urban compact municipality adjacent to the interstate, the Department of Transportation is responsible for the administration of this section.

[1999, c. 473, Pt. D, §7 (AMD) .]

10. Approach signs. Any business or facility whose principal building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than 2 approach signs with a total surface area not to exceed 100 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private ways.

[1981, c. 318, §4 (RPR) .]

11. Changeable signs.

[2001, c. 268, §2 (RP) .]

11-A. Changeable signs. Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with all the terms of this subsection. The Department of Transportation shall administer the provisions of this subsection.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

- (1) "Changeable sign" means an on-premise sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
- (2) "Display" means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.
- (3) "Lot of record" means a lot for which the deed was legally recorded, or that was created by a plan legally recorded, in the registry of deeds for the county where the lot is located. Contiguous lots of record in the same ownership are considered one lot.
- (4) "Message" means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.
- (5) "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.
- (6) "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature. [2007, c. 124, §1 (AMD) .]

B. The display on each side of a changeable sign:

- (1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;
- (2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash or display continuous streaming of information or video animation; and

(3) May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. [2007, c. 124, §2 (AMD).]

C. The display may comprise no more than 50% of the surface area of a changeable sign. [2001, c. 268, §3 (NEW).]

D. No more than one changeable sign with 2 sides is allowed per lot of record. [2001, c. 268, §3 (NEW).]

E. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp. [2001, c. 268, §3 (NEW).]

F. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower. [2001, c. 268, §3 (NEW).]

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

(1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and

(2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance. [2001, c. 268, §3 (NEW).]

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules, policies or guidelines adopted by the Department of Transportation. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Time and temperature signs erected prior to September 29, 1995 need not comply with those rules, policies or guidelines. [2005, c. 195, §1 (AMD).]

[2007, c. 124, §§1,2 (AMD) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1977, c. 696, §197 (AMD). 1979, c. 477, §§8-11 (AMD). 1981, c. 318, §4 (RPR). 1995, c. 390, §§1-3 (AMD). 1999, c. 123, §1 (AMD). 1999, c. 473, §D7 (AMD). 2001, c. 268, §§1-3 (AMD). 2005, c. 195, §1 (AMD). 2005, c. 482, §3 (AMD). 2007, c. 124, §§1,2 (AMD).

23 §1915. Compensation

1. Payment of compensation. Compensation shall be paid for the removal of any sign lawfully erected as of January 1, 1978, and which is visible from the interstate or primary systems, except no compensation may be paid if such sign is exempt as provided in section 1913-A and no compensation may be paid for the removal of signs subject to immediate removal pursuant to section 1924, subsection 3.

[1981, c. 318, §4 (RPR) .]

2. Procedures. The purchase, condemnation, negotiation, assessment of damage and appeal procedures must be in accordance with this section and sections 153-A to 159.

[1993, c. 536, §3 (AMD) .]

3. Acceptance of federal funds. The commissioner may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the United States Code, Title 23, section 131 and amendments thereto or replacements thereof. Any such funds will be applied to effectuate this chapter.

[1981, c. 318, §4 (RPR) .]

4. Availability of federal funds. No sign may be required to be compensated if the federal share of the compensation to be paid under this section is not available.

[1981, c. 318, §4 (RPR) .]

5. Removal pursuant to other law. Nothing in this section may provide compensation for the removal of signs which are lawfully removed pursuant to any other statute, regulation, ordinance or resolution of any governmental entity having jurisdiction.

[1981, c. 318, §4 (RPR) .]

6. Maintenance of lawfully erected signs. Any sign lawfully erected as of January 1, 1978, in accordance with section 1924, subsections 1 and 2 may be maintained until removed by the commissioner under subsection 7 or by section 1916.

[1981, c. 698, §101 (RPR) .]

7. Removal of signs for which compensation is paid. The commissioner shall remove a sign for which compensation is to be paid under this section when title to such sign is acquired by the State pursuant to section 154.

[1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1979, c. 477, §12 (AMD). 1981, c. 470, §A137 (AMD). 1981, c. 698, §101 (AMD). 1981, c. 318, §4 (RPR). 1993, c. 536, §3 (AMD).

23 §1916. Removal of signs by amortization

1. Exclusions. This section shall not apply to:

A. Signs for which compensation is paid under section 1915; [1981, c. 318, §4 (RPR).]

B. On-premise signs as provided in section 1914; [1981, c. 318, §4 (RPR).]

C. Exempt signs under section 1913-A; [1981, c. 318, §4 (RPR).]

D. Signs licensed under this chapter; [1981, c. 318, §4 (RPR).]

E. Signs to be removed under section 1917; and [1981, c. 318, §4 (RPR).]

F. Signs subject to immediate removal pursuant to section 1924, subsection 3. [1981, c. 318, §4 (RPR) .]

[1981, c. 318, §4 (RPR) .]

2. Six years amortization. Any sign lawfully erected as of January 1, 1978, may be maintained in accordance with section 1924 for 6 years after that date in order to amortize the value thereof. The owner of the sign shall remove the sign within 30 days of a receipt of a final order specified in subsection 3.

[1981, c. 318, §4 (RPR) .]

3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.

A. The commissioner shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed pursuant to subsection 2.

Such notice shall be a final order if not appealed under paragraph B.

If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed. [1981, c. 318, §4 (RPR) .]

B. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the commissioner and receive a hearing thereon, with a record made of the hearing. The commissioner shall render a decision within 60 days of the hearing. If no appeal is taken from the commissioner's decision, it shall be a final order. Any person aggrieved by the decision of the commissioner made subsequent to the hearing may, within 30 days of the receipt of notice of such decision, appeal to the Superior Court in the county where the sign is located. The appeal shall not be de novo and shall be subject to the Maine Rules of Civil Procedure, Rule 80b. For the purposes of this section, "person aggrieved" shall include the person owning or controlling the sign and any other person who is a resident of the county where the sign is located. A final judgment of a court shall be a final order for purposes of subsection 2. [1981, c. 318, §4 (RPR) .]

[1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR) .

23 §1917. Removal of unlawful signs

1. Notice to remove. The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this chapter shall be in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the commissioner. If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed.

[1981, c. 318, §4 (RPR) .]

2. Commissioner to remove sign. If the owner fails to remove the sign as required, the commissioner shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

[1981, c. 318, §4 (RPR) .]

3. Interpretation of chapter. Nothing in this chapter may be interpreted to alter, abridge or in any way interfere with any duty or obligation of a sign owner to remove signs which were nonconforming and illegal prior to January 1, 1975, under the United States Code, Title 23, section 131, as enacted by Public Law 89-285, 89 Congress S. 2084, the "Agreement for carrying out National Policy relative to Control of Outdoor Advertising in Areas adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System" dated December 27, 1967, and as amended on January 3, 1968, executed by and between the United States of America and the State of Maine, under the Maine Revised Statutes, Title 32, sections 2711 to 2723.

The intent of this subsection is to preclude any presumption that this chapter is intended to extend the period of use of any sign which became nonconforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and Title 32, sections 2711 to 2723.

[1981, c. 318, §4 (RPR) .]

4. Compensation subject to litigation. Whenever the compensation to be paid for removal of any sign is the subject of litigation, pending the litigation such sign shall be removed as provided in subsections 1 and 2.

[1981, c. 318, §4 (RPR) .]

5. Summary removal of illegal signs within the public right-of-way. Signs which are erected in nonconformance with this chapter and which are within the limits of any public right-of-way shall be subject to immediate removal by the commissioner.

[1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1979, c. 477, §§13-15 (AMD). 1981, c. 318, §4 (RPR).

23 §1917-A. Unlawful removal of political signs

1. Taking, defacing or disturbing political sign; civil violation. A person who takes, defaces or disturbs a lawfully placed sign bearing political messages relating to a general election, primary election or referendum commits a civil violation for which a forfeiture of up to \$250 may be adjudged.

[1989, c. 315, (NEW) .]

2. Application. This section does not apply to:

A. A person authorized by a candidate or political committee to remove signs placed by or at the direction of that candidate or political committee; and [1989, c. 315, (NEW) .]

B. The landowner, or agent of the landowner, on whose property a sign has been placed. [1989, c. 315, (NEW) .]

[1989, c. 315, (NEW) .]

SECTION HISTORY

1989, c. 315, (NEW) .

23 §1918. Applications licensing of official business directional signs

1. Submitting applications. Any person who is eligible under section 1909 for an official business directional sign may submit to the commissioner a written application therefor, on a form prescribed by the commissioner. The application shall set forth the name and address of the applicant, the name, nature and location of the business, the location where an official business directional sign is desired and such other information as the department may require. The applicant shall tender with the application the standard license fee stated in section 1919 for each sign requested.

[1981, c. 318, §4 (RPR) .]

2. Granting licenses. Following receipt of an application for an official business directional sign, the commissioner shall approve or disapprove the application. The commissioner shall not approve an application unless the requested location conforms to the regulations of the commissioner adopted pursuant to this chapter. The granting of licenses for official business directional signs on the interstate systems by the commissioner is contingent upon any requirement precedent to such approval, such as the concurrence of federal officials.

If the application is approved, the commissioner shall issue the license. If it is not approved, the commissioner shall return the application and fee, stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard, within 30 days, by the commissioner. Upon written request by the applicant, the commissioner shall hear the matter and notify the applicant of his findings and decision. Any person aggrieved by the decision of the commissioner may, within 30 days of receipt of the notice thereof, appeal to the Superior Court in the county where the sign is proposed to be located. The appeal shall not be de novo and shall be pursuant to the Maine Rules of Civil Procedure, Rule 80b.

[1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR).

23 §1919. Fees

An applicant for an official business directional sign shall pay to the commissioner an initial license fee not to exceed \$30 for each sign, and an annual renewal fee not to exceed \$30. The amount of each fee shall be determined for each year by the commissioner in advance of such year and shall approximate to the extent practicable the amount computed by dividing the cost of the administration of the official business directional sign program by the number of signs in existence in the prior licensing year. [1981, c. 318, §4 (RPR) .]

The fees so collected by the commissioner shall be deposited with the Treasurer of State and appropriated to carry out this chapter. Such funds shall not lapse but shall remain a continuing carrying account. [1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR).

23 §1920. Penalty

Any person, firm, corporation or other legal entity who shall erect, maintain or display a sign contrary to and in violation of this chapter, or the rules and regulations promulgated by the commissioner, shall be punished by a fine of not more than \$100 together with the cost of removal of the signs. The unlawful maintenance or display of each sign or advertising structure for any one day shall constitute a separate offense. [1981, c. 318, §4 (RPR) .]

In addition to other penalties, the commissioner may, in the name of the state, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter, or any orders or the rules and regulations issued or promulgated hereunder. [1981, c. 318, §4 (RPR) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR).

23 §1921. Start of enforcement

To provide for the orderly implementation of this chapter, the State shall be divided by the commissioner into traveler information service areas which shall correspond to the Maine highway districts. The commissioner may implement the removal of signs for which compensation is paid on an area by area basis, provided all signs from which compensation is paid shall be removed by January 1, 1982 if federal funds are sufficient under section 1915. [1981, c. 576, §7 (AMD).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 576, §7 (AMD). 1981, c. 318, §4 (RPR).

23 §1922. Local ordinance

This chapter shall not supersede the provisions of any other statute, regulation, ordinance or resolution, the requirements of which are more strict than those of this chapter and not inconsistent therewith, whether such ordinance, bylaw, regulation, resolution or statute was enacted before or after the effective date of this chapter. It shall not be inconsistent with this chapter if such statute, regulation, ordinance or resolution prohibits official business directional signs. [1981, c. 318, §4 (RPR).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR).

23 §1923. Agreements with United States

The commissioner is authorized, empowered and directed to enter into agreements with the United States or its agencies and subdivisions to control signs in accordance with national standards, this chapter and the best interests of the State. Nothing in this chapter may abridge any agreements with the United States in force on the effective date of this chapter. [1981, c. 318, §4 (RPR).]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR).

23 §1924. License or permits under repealed Title 32, chapter 38

1. License. Any license issued pursuant to repealed Title 32, section 2713, shall remain in effect for 6 years from January 1, 1978, provided a licensee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2713. This subsection shall not allow the erection of any sign, pursuant to that license, after January 1, 1978, nor shall this subsection allow the maintenance of any sign removed pursuant to sections 1915 and 1916.

[1981, c. 318, §4 (RPR) .]

2. Fee permit. Any permit for which a fee is paid and which is issued pursuant to repealed Title 32, section 2714, shall remain in effect until the sign for which it is issued is removed pursuant to this chapter, provided a permittee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2714.

[1981, c. 318, §4 (RPR) .]

3. Existing directional signs. Upon implementation of this chapter, the commissioner may remove, or require to be removed, any existing directional sign erected and maintained pursuant to section 1153, Title 32, section 2722 prior to its repeal, and any sign erected and maintained pursuant to Title 32, section 2715 prior to its repeal, which does not qualify as an on-premise sign as defined by section 1914, or as an official business directional sign as defined by this chapter, no later than 6 years after January 1, 1978.

[1981, c. 576, §8 (AMD) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1977, c. 696, §§198-200 (AMD). 1979, c. 477, §16 (AMD). 1981, c. 576, §8 (AMD). 1981, c. 318, §4 (RPR).

23 §1925. Administration of chapter

The commissioner shall administer this chapter with the advice of the Travel Information Advisory Council. The commissioner may employ, subject to the Civil Service Law, clerical and other assistants required for the administration of this chapter. The commissioner may delegate to personnel of the Department of Transportation the authority to administer this chapter. The commissioner may promulgate rules to administer the various provisions of this chapter that are consistent with the provisions thereof. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter. [1985, c. 785, Pt. B, §104 (AMD).]

1.

[1981, c. 318, §4 (RP) .]

2.

[1981, c. 318, §4 (RP) .]

SECTION HISTORY

1977, c. 494, §1 (NEW). 1981, c. 318, §4 (RPR). 1985, c. 785, §B104 (AMD).

SUBDIVISION ORDINANCE TOWN OF CLINTON

PREPARED BY: COMPREHENSIVE PLAN
IMPLEMENTATION COMMITTEE

ASSISTED BY MAINE TOMORROW
JUNE 1992

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SUBDIVISION REGULATIONS FOR THE TOWN OF CLINTON

ARTICLE 1 - PURPOSES

To implement the State Subdivision Law, Title 30-A M.R.S.A., Sections 4401 – 4406

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority

This Ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., Section 4403

2.2 Administrator

The Planning Board of the Town of Clinton, hereafter called the Board, shall administer this Ordinance.

2.3 Amendments

- A. This ordinance may be amended at an Annual or Special Town Meeting of the Town of Clinton.
- B. A public shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven (7) days in advance of the hearing.

ARTICLE 3 - DEFINITIONS

In general words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Clinton Land Use Ordinance shall have the definition contained in that Ordinance, unless defined differently below, other words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this Ordinance.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Cluster Subdivision: A development consisting exclusively of residential dwelling units, planned, developed as a whole or in a programmed series of developments, and controlled by one developer on a *tract of 5 or more lots* which contemplates an innovative, more compact grouping of dwelling units. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the permanent retention of the natural characteristics of the land.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Board to waive the submission or required information. The Board shall issue a written statement to the Applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multi-family development, or if the Applicant proposes to construct the buildings within the subdivision. The cost of building construction shall be included in the total costs of proposed improvements.

Conservation Easement: a non-fiduciary interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, facilities; includes single family houses, and the units in a duplex apartment house, multi-family dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

High water Mark: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or change in vegetation, and which distinguishes between predominantly aquatic and predominately terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Multi-family Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 10.14 C. 2.

Net Residential Density: The average number of dwelling units per net residential acre.

On-Site Inspection: An On-Site Inspection is a visit to the proposed subdivision by the Planning Board Code Enforcement Officer and the Applicant or an authorized representative or agent.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Board: The Planning Board of the Town of Clinton

Pre-application Sketch Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least fifteen service connections or services water to at least 25 individuals daily for at least thirty days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show on information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the Applicant for initial review prior to submitting as application for subdivision approval. May be used by the Applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Subdivision: The division of a tract or parcel of land as defined by the State Division Law Title 30-A, M.R. S.A. Sections 4401-4407.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting land owners.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

The Board shall prepare a written agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who are not on the Board's agenda may be heard but only after all agenda items have been completed. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5 - INTRODUCTORY MEETING, PREAPPLICATION MEETING, AND SITE INSPECTION

1 PURPOSE

The purpose of the introductory meeting, pre-application meeting and on-site inspection is for the Applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soil identification, and engineering by the Applicant.

2 PROCEDURE

A. Introductory Meeting

1. At a regularly scheduled Planning Board meeting, the Applicant gives a basic idea of the proposed subdivision with or without a sketch.
2. The Board asks questions and makes suggestions.
3. The Applicant is given a copy of the Ordinance and an application.
4. The Applicant will be asked to provide to the Planning Board Secretary, the name and addresses of all abutting landowners at least ten days prior to the scheduled Pre-application meeting.
5. The Applicant's name is put on the agenda for the next Board meeting for a Pre-application meeting.
6. Any expenses incurred by the Planning Board for notification of abutting landowners will be the responsibility of the Applicant.

B. Pre-application Meeting

1. The Applicant presents the more detailed Pre-application Sketch Plan(s) and makes a presentation regarding the proposed subdivision.
2. The Board asks questions and makes suggestions to be incorporated into the application.
3. The date of the On-Site Inspection is selected.

C. On-Site Inspection

1. Within 30 days of the Pre-application meeting, the Board Code Enforcement Officer shall hold an On-Site Inspection of the property.
2. The Board Code Enforcement Officer shall inform the Applicant in writing of the required contour interval to be used on the Final Plan.
3. The Applicant may be required to place "flagging" at the center line of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the On-Site Inspection.

5.3 Submission

- A. The Pre-application Sketch Plan shall show the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be free-hand penciled sketch, should be supplemented with general information to describe the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map (s). The Sketch Plan shall also be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.
- B. On a subdivision of five or more lots, the applicant shall submit two Pre-application sketch plans; a conventional subdivision plan with lots designed to meet the requirements of the Land Use Ordinance, and a clustered/open space plan showing how open space is to be preserved. The Board shall select the plan that best meets the goals of the Comprehensive Plan. The Planning Board may require that significant agricultural land and stream corridors be preserved as open space.

5.4 Rights Not Vested

The Introductory meeting, pre-application meeting, the submittal or review of the pre-application sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302.

ARTICLE 6 - PLAN APPLICATION

- A. Within six months after the on-site inspection by the Board Code Enforcement Officer submit a Complete Application for approval of a Final Plan at least ten days prior to a scheduled meeting of the Board. If the Applicant fails to submit Complete Application within the six month' period (s) he shall be required to resubmit the Sketch Plan. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. Final Plan

Within thirty days from the public hearing or within sixty days of determining a Complete Application has been submitted, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to by the Board and the Applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in Title 30-A M.R.S.A., Section 4404 and the standards in this Ordinance. If the Board finds that all the criteria of the Statute and the standards of this Ordinance have been met, the Board shall approve the Final Plan. If the Board finds that any of the criteria of the Statute or the standards of this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board.

6.2 Final Approval and filing

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions of a previously approved Plan within the Town of Clinton.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., Section 4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. Copies of the signed plan shall be forwarded to the Tax Assessor and the Code Enforcement Officer. Any subdivision not recorded in the Kennebec County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.
- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance, by the Town of Clinton of any street, easement, recreation area or other open space shown on such plan. The Plan shall contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Selectmen covering future deed and title dedication, and provision for the cost of grading development, equipment, and maintenance of any such dedicated area.

- E. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Kennebec County Registry of Deeds to that effect.

6.3 FEES

- A.
 - 1) A fee is payable with an application for a Subdivision. See the current fee structures in paragraph 3 below.
 - 2) All land use permit fees shall be amended by the municipal officer (Board of Selectmen), based on recommendations by the Planning Board, the municipal officers (Board of Selectmen) will hold three public hearings soliciting input before adopting or amending land-use fees at any properly warned public hearing.
 - 3) All applications for Subdivision approval shall be accompanied by a non-refundable application fee of \$25.00 per lot or dwelling unit, payable by check to the Town of Clinton. In addition, the Board may require that the Applicant pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for the application, to be used by the Planning Board for hiring independent consulting services to review the application, if necessary. If the balance in this special account shall be drawn down by 75%, the Board shall notify the Applicant, and require that an additional \$15.00 per lot or dwelling unit be deposited by the Applicant. The Board shall continue to notify the Applicant and require an additional \$15.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the Applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
- B. The Applicant, or their duly authorized representative, shall attend the meeting of the Board to present all plans. Failure to attend the meeting to present the plans shall result in delay of the Board's receipt of the plan until the next meeting which the Applicant attends.
- C. Upon receipt of an application for Subdivision approval the Board shall issue a dated receipt to the Applicant, notify in writing all owners of abutting property that an application for subdivision approval has been submitted, and notify the review authority of the neighboring municipalities if any portion of the subdivision includes or crossed the Town boundary.
- D. Within thirty days of the receipt of the application, the Board shall determine whether the application is complete and notify the Applicant in writing of its determination. If the application is not complete, the Board shall notify the Applicant of the specific additional material needed to complete the application.

- E. Upon a determination that a Complete Application has been submitted for review, the Board shall determine whether to hold a public hearing on the Application. The Board shall also notify the Road Commissioner, Fire Chief, Selectmen and other public officials, as appropriate.
- F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a Complete Application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in Clinton at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the Applicant.

ARTICLE 7 FINAL PLANS SUBMISSION

7.1 Submissions: the Final plan application shall consist of the following items.

- A. Application form (See Appendix).
- B. Location Map. The Location Map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality.

The Location Map shall show:

1. Locations and names of existing and proposed streets.
 2. An outline of the proposed subdivision and any remaining portion of the owner's property if the Final Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. The application for approval of a Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A, M.R.S.A., Section 4404 are met.
 1. Proposed name of the subdivision, plus the Assessor's Map and Lot numbers.
 2. Verification of right, title or interest in the property.
 3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any covenants or deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. The date the Plan was prepared, north point, and graphic map scale.
7. The names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and adjoining property owners.
8. The location of all rivers, streams, and brooks within or adjacent (within 300 feet), to the proposed subdivision.
9. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
10. The location and size of existing and proposed water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
11. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
12. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
13. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Clinton Water District, a written statement from the District shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the District IS supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.
14. A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

15. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetation cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing of existing vegetation.

16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision.

17. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100 year flood elevation, as depicted on the Town's Flood Insurance Rate Map, shall be delineated on the plan.

18. An erosion and sedimentation control plan, if required by the Board, prepared in accordance with the erosion and sedimentation control standards of the Department of Environmental Protection.

19. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.

20. A hydro-geologic assessment, if required by the Board, prepared in accordance with the standards of the DEP.

21. A storm-water control plan, if required by the Board, prepared in accordance with the standards of the DEP.

22. In residential subdivisions of 10 or more lots, an analysis of the impact of the proposed subdivision on public facilities including roads, schools, police and fire protection, outdoor recreation, water supply, sewage disposal, and storm drainage.

D. Final Plan. The Final Subdivision Plan shall consist of two reproducible, stable based transparencies, one to be recorded at the Kennebec County Registry of Deeds, the other to be filed at the Clinton Town Office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the

plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedures

An applicant for revision to a previously approved plan shall, at least ten days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedure for final plan approval shall be followed.

8.2 Submissions

The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Kennebec County Registry of Deeds.

8.3 Scope of Review

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the Selectmen can cause inspection to be made to assure that all Town specification, requirements, and conditions of approval shall be met during construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Board.
- B. Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed public way to a Town Meeting, a written certification signed by a professional engineer shall be submitted to the Selectmen at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this Ordinance.

9.3 Violations and Enforcement

- A. No plan of a division of land within the Town of Clinton which would constitute a subdivision shall be recorded in the Kennebec County Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.
- B. A person, shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
- C. No public utility, water district, or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- D. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- E. Violation of the above provisions of this section shall be punished in accordance with the provisions of Title 30-A M.R.S.A., Section 4452

ARTICLE 10 - GENERAL PERFORMANCE AND DESIGN STANDARDS

In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

10.1 Sufficient Water

- A. The subdivider must demonstrate either that: the proposed public water system has the capacity to serve the proposed subdivision, or there is sufficient ground water available to provide individual wells with an adequate supply of potable water.
- B. The Board shall require either that: the applicant shall, where soil type and topography are appropriate, construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes; or the applicant shall demonstrate that an adequate supply of naturally occurring water exists for firefighting purposes. An easement shall be granted to the Town granting access to the dry hydrants or naturally occurring water supply when necessary.
- C. In cases where ponds or dry hydrants cannot be installed, and where there is no naturally occurring water source, the Board may require the subdivider to present additional options for rapid water supply after discussion with the Fire Chief.

- D. The subdivider must demonstrate that the proposed subdivision will not contaminate or otherwise harm wells on adjacent property.

10.2 Soil Erosion

- A. The proposed subdivision shall not increase soil erosion that may enter water bodies, freshwater wetlands, or adjacent properties.
- B. A soil erosion control plan shall be required by the Board when slopes are between 8 and 20 percent.
- C. Slopes in excess of 20 percent shall be maintained as open space.
- D. A soil erosion plan shall be required for residential development of 10 or more lots and for commercial and industrial projects.

10.3 Sewage Disposal

- A. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
- B. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
- C. Where a proposed subsurface sewage disposal system is to serve more than 5 dwelling units, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

10.4 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

- A. Preservation of Natural Beauty and Aesthetics.
 - 1. The Board may require that new developments blend in with the existing landscape and that existing land cover be maintained to the maximum extent possible.
 - 2. The Board may require that the application include a landscape plan that will show the preservation of any existing trees larger than 24" inches diameter breast height, the replacement of trees and vegetation, and graded contours.

3. Unless located in areas designated as a growth area in the Comprehensive Plan, a residential subdivision of 10 or more lots in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifteen feet (15') in width along all existing public roads. All residential subdivisions shall maintain an open space buffer strip of 100 feet between the residences and active farming operations. The buffer may be broken only for driveways and streets.

4. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

5. Unless located in areas designated as a growth area in the Comprehensive Plan, an open space buffer strip of at least 50 feet in width shall be maintained adjacent to moderate to high value waterfowl area as identified in the Comprehensive Plan.

B. Retention of Open Spaces

1. To the maximum extent possible, the following areas shall be retained as open space corridors: snowmobile trails, walkways, logging roads, abandoned and/or discontinued roads, deer wintering areas, historic and archaeological areas, and scenic views as seen from public roads.

2. Open space or outdoor recreational facilities shall be provided in all development of ten (10) or more lots regardless of whether or not such developments are cluster/open space developments. Depending on the size and location of the Subdivision, the Board may require the developer to provide up to ten percent (10%) of the total area for recreation. Land reserved for park and/or recreational purposes shall be of a character, configuration, and location suitable for the particular use intended. A site to be used for active recreational purposes, such as a playground or playfield, should be relatively level and dry. Sites selected for recreational purposes shall have such access as the board may deem suitable and shall be served by a right-of-way of at least thirty feet (30') in width.

C. Preservation of Significant Wildlife Habitat

1. Within 100 feet of any stream or river designated as a high or moderate value fishery by the Department of Inland Fisheries and Wildlife or in the Comprehensive Plan, no alteration shall be permitted.

2. Within 100 feet of the upland edge of a wetland designated as high or moderate value for waterfowl habitat by the Department of Inland Fisheries and Wildlife or in the Comprehensive Plan no alteration shall be permitted. Existing vegetative cover shall be maintained.

10.5 Conformance with Land Use Ordinance and Other Ordinances

All lots shall meet the minimum dimensional requirements of the Land Use Ordinance for the land use district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria of the Land Use Ordinance.

10.6 Financial and Technical Capacity

A. Financial Capacity

The applicant shall have adequate financial resources to construct the proposed improvements, including buildings, if a part of the project, and meet the criteria of the statute and the standards of this Ordinance. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability

In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

10.7 Ground Water Quality

A. The Clinton Water District shall be notified of any subdivisions that are within 1000 feet of their well.

B. When the Planning Board determines that a hydro-geologic assessment is necessary, the assessment shall comply with the Department of Environmental Protection's guidelines for hydro-geologic assessments as set forth under the Site Location of Development Act.

10.8 Flood Plain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall include a statement that structures shall be located outside the flood hazard area.

10.9 Storm Water Management

- A. Adequate provisions shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under-drains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains, except where retention basins are designed or ground water recharge is desirable.
- B. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity.

10.10 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services

- A. All open space common land • facilities and property shall be owned by: the owners of the lots or dwelling units by means of lot-, owners association; an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or the Town of Clinton.
- B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. When open space is to be owned by an entity other than the Town, there shall be a conservation easement deeded to the municipality prohibiting future development.
- C. The common land or open space shall be shown on the Final Plan with appropriate notations on the plan to indicate that it shall not be used for future building lots and which portions of the open space, if any, may be dedicated for acceptance by the Town of Clinton.
- D. The final plan application shall include the following:
 - 1. Covenants for mandatory membership in the lot owners association setting forth the owner's rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - 2. Draft article of incorporation of the proposed lot owners association as a not-for-profit corporation.
 - 3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

In combination, the documents referenced in paragraph D above shall provide for the following. The homeowners association shall have the responsibility of maintaining the common property or facilities. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair, replacement of common property and facilities and tax assessments. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

10.11 Traffic Conditions

a. Access Control

1. Subdivisions of 10 or more lots located within the Rural District must front on interior roads.
2. Access to backland shall be retained as land is developed.

b. Street Design and Construction Standards

1. General Requirements

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specification contained in this Ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any street or easement.
- b. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 1. Date, scale, and north point, indicating, magnetic or true.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

5. Complete curve data shall be indicated for all horizontal and vertical curves.

6. Turning radii at all intersections.

7. Center line gradients.

8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, electricity; telephone, lighting, and cable television.

c. Upon receipt of plans for a proposed street the Board shall forward one copy to the Selectmen, the Road Commissioner (s), and the Town Engineer for review and comment.

d. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner (s) or the Maine Department of Transportation, as appropriate.

e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owner and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards."

f. The Planning Board may require that land be reserved for a future connector road or street.

2. Street Design Standards

a. These design guidelines shall control the roadway, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the Applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.

- b. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Ordinance), or when there are plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Land Use Ordinance.
- c. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- d. The following design standards apply according to street classification:

TYPE OF STREET

| Description | TYPE OF STREET | | |
|---|----------------|--------|----------------------|
| | Collector | Minor | Private Right of Way |
| Minimum Width right-of-Way | 50' | 50' | 30' * |
| Minimum Traveled Way Width | 24' | 20' | 18' |
| Minimum Width of shoulders (each side) | 3' | 3' | 3' |
| Minimum Center Line radius | | | |
| - Without banking | 280' | 280' | 175' |
| - With banking | 175' | 175' | 110' |
| Roadway Crown ** | ¼ " ft | ¼ " ft | *** |
| Minimum angle of street intersections**** | 90 ° | 90 ° | 75 ° |
| Maximum grade within 75 ft. of intersection | 3% | 3% | N/A |
| Minimum curb radii at intersection | 25' | 20' | N/A |
| Minimum r/o/w radii at intersections | 10' | 10' | 10' |

*Serving only one or two dwelling units.

**Roadway crown is per foot of lane width.

***Gravel surface shall have a minimum crown of 3/4 inch per foot of lane width.

****Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

3. Dead End Streets

In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 ft.; outer edge of pavement: 50 ft.; inner edge of pavement: 30 ft. The Board may require the reservation of a 20 ft easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street The Board may also require the reservation of a 50 ft. easement in line with the street to provide continuation of the road where future subdivision is possible.

4. Intersections and Sight Distances

a. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

b. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based. on the street design speed.

| | | | | |
|------------------------------|-----|-----|-----|-----|
| Design Speed (mph) | 20 | 25 | 30 | 35 |
| Stopping Sight Distance (ft) | 125 | 150 | 200 | 250 |

Stopping sight distances shall be calculated with a height of eye at 3 1/2 feet and the height of object at 1/2 feet.

c. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement.

| | | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|-----|
| Posted Speed Limit (mph) | 25 | 30 | 35 | 40 | 45 | 50 | 55 |
| Sight Distance (ft) | 250 | 300 | 350 | 400 | 450 | 500 | 550 |

Where necessary, corner lots shall be cleared of all growth and sight obstructions to achieve the required visibility.

- d. Cross (four-cornered) street intersections shall be avoided insofar as possible. A minimum distance of 125 feet shall be maintained between the center lines of streets.
5. Street Construction Standards
- a. The minimum thickness of material shall meet the specifications in the table below, after compaction.

MINIMUM REQUIREMENTS

| Street Material | Public Street | Private Right of Way |
|--|---------------|----------------------|
| Aggregate Sub-base Course (max. sized stone 6") - | | |
| Without base gravel | 18" | 15" |
| With base gravel | 15" | 12" |
| Crushed Aggregate Base Course (if necessary) | 3" | 3" |
| Hot Bituminous Pavement | | |
| Total Thickness | 3" | N/A |
| Surface Course | 1 ¼ " | N/A |
| Base course | 1 ¾ " | N/A |
| Surface Gravel | N/A | 3" |

b. Preparation

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way shall be cleared of all stumps, roots, brush, shallow ledge, large boulders and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of 2 feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the road. On soils which have been identified by a Licensed Professional Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or an HDOT approved stabilization geo-textile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded and properly seeded according to the specifications of an erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than 4 feet vertical to 1 foot horizontal is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

10.12 LOTS

- A. All lots shall meet the minimum lot size and dimensional requirements of the Land Use Ordinance.
- B. Wherever possible, side lot lines shall be perpendicular to the street.
- C. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of this Ordinance and conditions placed on the original approval.

- D. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- E. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

10.13 Monuments

- A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- B. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
- C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

10.14 Cluster Developments/Two Plan Requirement

A. General

1. In accordance with the requirements of Article 5.3(B), the applicant shall submit a cluster plan designed to meet the requirements of the Land Use Ordinance, showing how open space is to be preserved. The purpose of the cluster plan is to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the Land Use Ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements (i. e. lot size, frontage including zero lot line development) to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances. The Planning Board may allow conventional subdivision development if clustered development is determined not to be feasible or not to offer open space advantages.

B. Application Procedure

The Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this Ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features (i. e. significant agricultural and forest land and stream corridors) without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this Ordinance, and have an area sui table for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate-to-high value wildlife and waterfowl habitats, important agricultural and forest land, moderate-to-high yield aquifers, and important natural or historic sites identified by the Comprehensive Plan as worthy of preservation.

Within ten days of receiving the application, the Board shall invite comments on the application from Selectmen, other appropriate town officials and abutters. Within thirty days of receiving the application, the Board shall determine whether to require that the subdivision be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments

1. Cluster Developments shall meet all requirements of this Ordinance.
2. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

- a. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
 - b. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 - c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - i. slopes greater than 20%
 - ii. organic soils
 - iii. wetlands soils
 - d. Portions of the lot subject to rights of way.
 - e. Portions of the lot located in the resource protection zone.
 - f. Portions of the lot covered by surface water.
3. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the Land Use Ordinance. No building shall be sited on slopes steeper than 20%, or within 75 feet of any water body or wetland.
 4. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the Land Use Ordinance. No less than 30% of the reserved open space shall be usable open space.
 5. Every building lot that is reduced in area below the amount normally required shall be within 1000 feet of the common land.
 6. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
 7. Shore frontage shall not be reduced below the minimum normally required by the Land Use Ordinance.
 8. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

ARTICLE 11 - PERFORMANCE GUARANTEE S

With submittal of the application for Final Plan approval, the Board may require the subdivider to provide a performance guarantee for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

ARTICLE 12 - WAIVERS

- 12.1 Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of this Ordinance and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Land Use Ordinance, or this Ordinance.
- 12.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Land Use Ordinance, or this Ordinance, and further provided the performance standards of this Ordinance and the criteria of the Subdivision Statute have been or will be met by the proposed subdivision.
- 12.3 In granting waivers to any of this Ordinance in accordance with Sections 12.1 and 12.2, the Board shall require such conditions as will assure the purposes of this Ordinance are met.
- 12.4 Waivers to be shown on Final Plan

When the Board grants a waiver to any of the improvements required by this Ordinance, the Final Plan. to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 13 - APPEALS

13.1 An aggrieved party may appeal any decision of the Board under this Ordinance to the Board of Appeals, within thirty days of the date of the decision.

Derivation: Town Meeting June 9, 2009

Subdivision Ordinance Town of Clinton Article 13 – Appeals Section 13.1

Replaced the words "Kennebec County Superior Court" with "Board of Appeals".

STATE OF MAINE
MUNICIPALITY OF CLINTON PLANNING BOARD

DATE: _____
FEE: _____
BY: _____
APPLICATION
NUMBER: _____

APPLICATION FOR SUBDIVISION APPROVAL

Applicant:

Name: _____ Tel: _____

Address: _____

Interest in Property: _____

Interest in abutting property, if any: _____

Owner

Name: _____ Tel: _____

Address:

Name of Project:

Type of Proposed Activity:

- Minor Subdivision Review
- Major Subdivision Review – Preliminary Plan Review
- Site Plan Review
- Other _____

Project Type:

- Single Family Multi-Family Condominium Other

Location:

Street Address: _____

Registry of Deeds: Book _____ Page _____

Assessor's Office: Map _____ Lot _____

Other Project Information

Size of Parcel (acres) _____ Zoning District(s) _____

Proposed # of Lots: _____ Proposed # of Buildings: _____

Proposed # of Dwelling Units: _____

Does the applicant intend to request any waivers of Subdivision or Zoning Ordinance Provisions?

No Yes

If yes, list the reasons why _____

Name and Address of Applicant's Engineer, Land Surveyor or Planner:

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and submits the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

Date

Signature of Applicant/Owner/Representative

**TOWN OF CLINTON
ADULT-ONLY BUSINESSES ORDINANCE**

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TOWN OF CLINTON ADULT-ONLY BUSINESSES ORDINANCE

Section I. Findings

The Citizens of the Town of Clinton believe that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. They have observed that in many communities throughout this country the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are located in proximity to residences, day care centers, Schools, houses of worship, public parks or recreational areas. An ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

Section II. Purpose

The regulations of this Ordinance are not directed at the content of speech but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Ordinance is to regulate the place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses, and to prevent their location in proximity to residences, day care centers, Schools, houses of worship, public parks or recreational areas. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas of the Town at large. The purpose of this Ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

Section III. Definitions

The following terms as used in this Ordinance and for the purpose of the Ordinance have the meanings to them below:

- A. "Adult amusement store" means an establishment having as a substantial or significant portion of its sales or stock in trade, erotic material, or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based on its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's purpose is to purvey such material.
- B. "Adult motion picture theater," means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons therein.
- C. "Adult entertainment cabaret," means a public or private establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.

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D. "Adult spa," means an establishment or place primarily in the business of providing services of an erotic nature.

E. "Sexually oriented business," means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any business where erotic materials and activities are displayed, depicted, described or simulated as a regular and substantial part of its operation. This includes any business which incorporates full or partial nudity, such as topless bars and topless coffee shops.

F. "Residence," means any structure, which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.

G. "Specified criminal activity," means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:

(1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;

(2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;

(3) less than (5) years have elapsed since the date of the last conviction or the date of release from confinement or probation imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

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Section IV. License Required

A person or persons wishing to operate a sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, and (b) prior to expiration of the current annual license. A license issued under this Ordinance does not eliminate the requirements of any other Ordinance in Clinton including the Site Review Ordinance.

Section V. Application; Investigation and Issuance of License

1. Application. An applicant for sexually oriented business license shall:

- A. Complete and file an application prescribed by the Planning Board;
- B. Deposit a license fee of \$1,000 and a processing fee of \$250 in advance with the Town Clerk or the Code Officer. The amount of these fees may be amended by the Board of Selectmen from time to time.
- C. Submit the completed application to the Planning Board through the Code Enforcement Officer, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;
- D. File a sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;
- E. File the release authorized by 16 M.R.S.A, Section 620(6) (Criminal History Record, Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;
- F. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner;
- G. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.
- H. Submit evidence of compliance with Section X of this Ordinance and evidence that there is no basis for denial of a license to applicant under the standards listed in Section VI of this Ordinance.

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2. **Investigation of applicant, officers.** Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:
- A. The Code Officer, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town Manager, and the Planning Board. The Code Officer shall also immediately consult with the Chairman of the Planning Board and arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least 10 days prior to the public hearing before the Planning Board. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from the Town officials, the Code Officer shall forward the application and other documents to the Planning Board for public hearing and final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Code Officer and a decision shall be made within fifteen (15) business days thereafter.
 - B. The Code Enforcement Officer; within fifteen days of receipt of the application, shall inspect the location or proposed location and construction drawings to determine whether the applicant's proposed plan satisfies the setback and construction requirements of this ordinance and then report findings in writing to the Planning Board. The Code Enforcement Officer shall enforce the provisions of all the applicable Town Ordinances and State Laws as indicated in accordance with 30-A M.R.S.A. 4452.
 - C. The Code Enforcement Officer with the help of the Town Police Chief, shall investigate the applicant, including the criminal history record information required under Section V (1) (E), and then report findings in writing to the Planning Board, and
 - D. The Code Enforcement Officer, within fifteen days of receipt of the application, shall verify that the proposed premises of the establishment will comply with Section X and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Planning Board. The Code Officer will also verify whether or not other permitting under local Ordinances and state laws is required in addition to verification for compliance.
3. **Issuance of license.** The Planning Board, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this Ordinance. The license shall be issued upon determination by the Planning Board, based upon the record, including evidence and testimony at the public hearing, that the applicant meets the requirements of this Ordinance. The license may not be transferred or assigned.

Section VI. Standards of Denial

An application for a sexually oriented business license shall be denied in the following circumstances:

- A. The applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;
- B. The applicant is an individual who is less than 18 years of age;

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- C. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required that is reasonably necessary to determine whether the license can be issued;
- D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;
- E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Ordinance or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five years;
- F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;
- G. The site on which the sexually oriented business is proposed is a prohibited site under Section X, or
- H. The application in any other way fails to meet the requirements of this Ordinance.

Section VII. Standards for Suspension; Revocation

A sexually oriented business license may be suspended or revoked by the Planning Board after notice and hearing upon a finding that the licensee has violated any provision of this Ordinance. Providing false or erroneous information in an application shall be a reason for revoking or suspending a permit.

Section VIII. Age Restriction

No sexually oriented business may permit any person under the age of 18 years into the premises in which the sexually oriented business is located.

Section IX. Prominent Display of License; Price Charges and Names of Owners or Officers

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licenses must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices charged for all food, beverages, goods, wares, merchandise or services offered by the business unless the price is conspicuously displayed on the individual product.

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Section X. Prohibited Sites; Site Requirements

1. A sexually oriented business may only be located within a Commercial or Industrial Commercial zone.
2. A sexually oriented business may not be sited within 1,000 feet of the closest part of the structure of a business which caters to the general public or 1,500 feet of the closest part of the structure of any of the following:
 - A. A church, synagogue or other house of religious worship;
 - B. A public or private elementary or secondary school;
 - C. A day care facility;
 - D. A public park or public recreational facility;
 - E. Any residence on adjacent property, excepting the owner or proprietor; the distance cited in this section shall be measured between the closest edge of the structure of the sexually oriented business and the closest edge of the structure of the use listed (A) through (E) above.
3. A sexually oriented business will be required to construct a visual barrier around the sides of the business as required by the Planning Board.
4. It shall be unlawful for any person to cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand five hundred (1,500) feet of another sexually oriented business.
5. It shall be unlawful for any person to cause or permit the operation or establishment of more than one sexually oriented business in the same building, structure, or portion thereof.

Section XI. Signs and Exterior Layout of Sexually Oriented Businesses

1. Sexually Oriented Businesses shall have an 8.5 inch by 11 inch sign at each entrance stating "Under 18 not admitted" or similar wording accepted by the Planning Board.
2. Sexually Oriented Businesses may have an 8.5 inch by 11 inch sign at entrances listing business hours, and appropriately posted signs, with letters no larger than 3 inches high, stating "Entrance", "Parking", "No Loitering" or other wording approved by the Planning Board.
3. Sexually Oriented Businesses shall have only one exterior identification sign.
 - A. The sign shall contain only the name of the establishment and "XXX" or the type of business as defined in Section III above.
 - B. The sign may not contain any other symbols or illustrations.

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- C. The sign must meet the approval of the Planning Board, who may require changes if they believe the proposed sign would be offensive to a significant number of Clinton residents.
 - D. The exterior dimension of the sign shall not exceed 30 square feet.
 - E. The sign may be two sided.
 - F. The sign may be unlit, internally lit, or lit with spotlights.
 - G. The lights may not blink.
 - H. The bottom of the sign may not be more than 10 feet above grade.
 - I. The top of the sign may not be more than 15 feet above grade.
4. No signs or symbols, except as permitted in Section XI, paragraphs 1 through 3 above, shall be visible from the exterior of the establishment.
5. Exterior lights shall be used for necessary illumination; they shall not blink nor be so bright as to unduly disturb neighbors or passersby, as determined by the Planning Board.

Section XII. Prohibited Activities

- A. All acts of public indecency, as defined in 17-A M.R.S.A., Section 854, are prohibited in sexually oriented businesses.
- B. All other acts prohibited by applicable ordinances or laws.
- C. No alcoholic beverages allowed on the premises.
- D. The sexually oriented business hours of operation will be allowed anytime during the hours of 8:00 am – 8:00 pm - Monday - Saturday.

Section XIII. Enforcement

A violation of this Ordinance is a civil violation and the civil penalties and remedies under Section XV shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections X to XIII. The Ordinance shall be enforced by the Code Enforcement Officer, the Planning Board, and any law enforcement officials having jurisdiction within the Town of Clinton. If court action is required to enforce this Ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

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ADULT-ONLY BUSINESSES ORDINANCE**

Section XIV. Penalties

Violation of this Ordinance shall result in a penalty of \$100.00 per day, beginning on the date a notice of violation from the Code Enforcement Officer is mailed to the Applicant at the address contained in Town records. If the violation is not remedied within ten days of notice being sent, the Code Enforcement Officer may send a second notice. Violation of this Ordinance, after sending of the second notice, shall result in a penalty of \$500.00 per day. Remedying a violation does not prohibit the Planning Board from suspending the license as provided in Section VII, "Standards for Suspension, Revocation".

The amount of these penalty fees may be amended by the Board of Selectmen from time to time.

Section XV. Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section XVI. Conflict with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation or statute, the more restrictive provision shall apply.

Section XVII. Appeals

An appeal from any final licensing, denial, suspension or revocation decision of the Planning Board may be taken by an aggrieved party to the Clinton Appeals Board within 30 days of the decision. The decision of the Clinton Appeals Board may be taken to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. Service of Process shall be served on the Town Clerk. The Town shall file its responsive pleadings and record of proceedings with the Court not later than ten (10) business days after service of the summons and complaint. Additionally, the Town shall submit its responsive brief within fourteen (14) days after receipt of the plaintiff's brief, and shall move for an expedited hearing. All enforcement action, if any, shall be stayed during the pendency of the Rule 80B appeal.

Section XVIII. Effective Date

This Ordinance shall become effective immediately after approval by the voters of the Town of Clinton.

