



LAND USE STANDARDS ORDINANCE

Town of Bristol - Board of Selectmen

Enacted March 8, 1993

Amended:

March 22, 2005 ▪ March 21, 2005 ▪ March 21, 2006 ▪ March 20, 2007 ▪ March 18, 2008
March 17, 2009 ▪ March 18, 2014 ▪ March 22, 2016 ▪ March 20, 2018 ▪ March 17, 2020

TABLE OF CONTENTS

	Page
1. Purposes	1
2. Applicability	1
3. Authority.....	1
4. Effective Date	1
5. Availability	1
6. Severability	1
7. Conflicts with other Ordinances.....	1
8. Amendments	1
9. Land Use Requirements	1
10. Land Use Standards	1
A. Minimum Lot Size.....	1
B. Nonconforming Lots.....	2
C. Housing Density.....	2
D. Multiple Dwelling Unit Housing	2
E. Accessory Dwelling Unit	2
F. Setbacks.....	3
G. Non-Conforming Structures	4
H. Height of Structure	5
I. Repair and Maintenance	5
J. Travel Trailers, Campers and Recreational Vehicles	5
K. Utility Poles	5
L. Signs	6
11. Administration.....	6
A. Administering Bodies and Agents	6
B. Permits Required.....	6
C. Permit Applications	6
D. Procedure for Administering Permits	6
E. Expiration of Permit	7
F. Installation of Public Utility Services	7
G. Appeals	7
H. Enforcement.....	10
12. Definitions	12

SECTION 1: PURPOSES

The purposes of this Ordinance are to provide for the safety and general welfare of the community by regulating the lot sizes, housing density, setbacks, and private way entrances onto public ways in the Town of Bristol.

SECTION 2: APPLICABILITY

This Ordinance applies to all land areas in the Town of Bristol.

SECTION 3: AUTHORITY

This Ordinance is adopted pursuant to the provisions of Title 30-A, M.R.S.A., Section 3001, Home Rule, and 3004, Revision of Ordinances.

SECTION 4: EFFECTIVE DATE

The effective date of the Ordinance shall be the date it is adopted by a vote of the legislative body of the Town of Bristol.

SECTION 5: AVAILABILITY

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6: SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 7: CONFLICTS 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 control.

SECTION 8: AMENDMENTS

This ordinance may be amended by majority vote of the legislative body of the Town of Bristol.

SECTION 9: LAND USE REQUIREMENTS

Except as hereinafter specified, no structure, manufactured housing, or land shall hereafter be used or occupied; no structure or manufactured housing or part thereof shall hereafter be erected, constructed, expanded, moved or altered; and no new lot or private way to any Town Road shall be created except in conformity with all the regulations herein specified.

SECTION 10: LAND USE STANDARDS

A. Minimum Lot Size, excluding Planning Board approved cluster development within a subdivision

The minimum lot size for new lots created in the Town of Bristol shall be one (1) acre. Owners of abutting lots, whether conforming or non-conforming, which existed prior to March 3, 1979 may convey, one to the other for the purposes of subsurface disposal systems, up to twenty (20) percent of the lot without obtaining a variance, regardless of whether the grantor's remaining lot is thereby made non-conforming or diminished in its prior non-conformity (see Ordinance adopted March 3, 1979). The width, depth, shape and orientation of lot division shall be appropriate for the location of the lot division and for the type of development contemplated. Side lot lines shall be generally

perpendicular to the street or to the tangent of the curve of the street unless parcel configuration or lot topography justifies otherwise. The depth of a lot with a front line of less than two-hundred (200) feet shall not exceed the front line length by a ratio of more than a depth of three (3) to a width of one (1) and shall be of such dimensions that the lot will accommodate within its boundaries a square of not less than one-hundred (100) feet on a side.

B. Nonconforming Lots

1. Nonconforming Lot: a single lot of record not located in the Shoreland Zone which on or after March 3, 1979 does not meet the minimum one acre lot size.

A nonconforming lot may be built upon without need of a variance, provided that such a lot is in separate ownership and not contiguous with any other lot in the same ownership, and meets current state minimum standards..

2. Contiguous Built Lots: if two or more contiguous lots or parcels are in a single or joint ownership of record at the time or since the adoption of the one acre minimum lot size requirement, if all or parts of the lots do not meet the one acre minimum lot size, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

C. Housing Density, excluding Planning Board approved cluster development within a subdivision

No other dwelling may be placed or constructed on any lot with an existing dwelling which creates a housing density greater than one (1) dwelling per acre. The term “dwelling” shall apply to all seasonal and year-round residences, including both frame and manufactured housing (see Ordinance adopted March 7, 1983).

D. Multiple Dwelling Unit Housing

1. After March 22, 2005 multiple dwelling unit housing may be permitted as follows:

(a.) A new duplex house may be constructed on a vacant conforming (one acre minimum) lot. For the purpose of administering Paragraph 10.C. Housing Density (see above) a duplex house shall be deemed to be a single “dwelling.”

(b.) A single-family home constructed before September 23, 1988, on a conforming or non-conforming lot may be divided into two or more dwelling units. The division of a residential structure constructed after that date into more than two dwelling units within a five year period is a subdivision and subject to the Bristol Subdivision Ordinance.

2. When reviewing any application for multiple dwelling unit housing for approval, the Planning Board shall consider the following criteria and, before approval, must determine that:

(a.) There is sufficient water supply available for the reasonably foreseeable needs of the proposed housing; and

(b.) If the multiple dwelling unit housing is proposed on a lot without public sewer and water supply, documentation is provided showing that the requirements of 12 M.R.S.A. Section 4807-A, Minimum Lot Size and 30-A Section 4211, Plumbing Regulations are met; and

(c.) Two (2) off-street parking spaces are provided for each proposed dwelling unit.

E. Accessory Dwelling Units

Accessory dwelling units shall adhere to the following standards:

1. One accessory dwelling unit (ADU) may be established within a new or existing single-family dwelling. The ADU must be included in the principal structure or an addition to a principal dwelling. Detached ADUs are not permitted. ADUs are not permitted in accessory structures. Original construction or modification made to a dwelling in connection with the establishment of an ADU shall be designed and undertaken in such a manner as to maintain the appearance of a single-family residence. The design of the ADU shall be such that conversion back to a single-family residence may be readily accomplished.
2. The principal dwelling and the ADU shall remain under common ownership. At least one of the dwelling units shall be occupied by one owner of record. Occupancy shall be defined as physically living in the dwelling unit for at least six months of the calendar year.
3. The occupants of the accessory and principal units must be members of the same extended family, or a certified medical caregiver of a family member. Extended family shall mean: father, mother, son, daughter, sister, brother, (or in-law relationships of any of the preceding), grandparent, aunt or uncle.
4. Guest occupancy of an accessory unit by an unrelated party is permissible so long as the total of such occupancies does not exceed ninety (90) days in any calendar year and no rent or other consideration is received for such occupancy.
5. The existing or proposed septic system must be of a size appropriate to serve both the principal dwelling and the accessory unit, as certified by the CEO or Plumbing Officer.
6. The accessory unit may not exceed six hundred fifty (650) square feet of finished living space, calculated to include closets, but excluding stairs, chimneys and mechanical spaces, and shall not have more than one bedroom.
7. Proper ingress and egress shall be provided to the accessory unit.
8. Upon approval of the accessory apartment by the CEO, a deed restriction shall be placed on the property, which shall be recorded at the Lincoln County Registry of Deeds. The restriction shall restate the limited use of the accessory unit, as specified in this section.
9. Should the owners of the principal structure be found in non-compliance with the requirements contained in this section, the CEO shall order that occupancy of the accessory unit be discontinued.
10. Nothing in this section shall restrict a properly permitted bed and breakfast or other place of lodging for transitory guests.

F. Setbacks

1. All structures and manufactured housing erected or placed in the Town of Bristol shall be set back fifty (50) feet from the edge of the traveled way of any public or private road and ten (10) feet from any boundary (see Ordinance adopted March 3, 1979). No structure or manufactured housing erected prior to March 3, 1979 which is less than the required setback from the edge of the traveled way of any public or private road or any boundary shall be expanded toward that traveled way or boundary.

2. The Selectmen may approve a permit for a public building or to an owner of a residential dwelling for the purpose of making the public building or the dwelling accessible to a person with a disability who resides in or regularly uses the public building or the dwelling. The Selectmen shall restrict any permit granted under this section solely to the installation of equipment or the reasonable construction of structures necessary for access to or egress from the public building or the dwelling by the person with the disability and regardless of the setback to any boundary or public road. The Selectmen may impose conditions on the permit including limiting the permit to the duration of the disability or to the time that the person with the disability uses the public building or uses or lives in the dwelling. The term "structures necessary for access to or egress from the public building or the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
3. The setback for a temporary structure of less than 200 square feet, such as a school bus stop shelter, a farm stand or other seasonal use structure, may be reduced to 15 feet from the edge of the traveled way of any public or private road, provided that the structure does not have poured-in-place concrete foundation or other feature which would make the structure incapable of being easily moved. If the Board of Selectmen approves a special exception for any of these uses, a condition of approval shall be that the structure will be relocated to a distance of at least 50 feet from the edge of the traveled way of any public or private road once the structure is no longer being used for any of these uses.

G. Non-Conforming Structures

(1) **Expansions.** All new principal and accessory structures must meet the setback requirements contained in Section 10 (F)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

(2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 10 (G)(3) Relocation, below.

(3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider , but not limited to the following: the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.

(4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from the edge of a public or private road or boundary, and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a

permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback requirements to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

Any non-conforming structure which is located less than the required setback from the edge of a traveled way of any public or private road or boundary, and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board or its designee shall consider, in addition to the criteria in Section 10 (G)(3) above, but not limited to the following: the physical condition and type of foundation, if any.

H. Height of a Structure

No new structure or existing structure, added to or replaced, shall exceed 35 feet in height. The Board of Selectmen may authorize a height in excess of 35 feet if the structure is any of the following, provided that it does not constitute a hazard, and that it occupies not more than 10% of the roof area: church spires, belfries, monuments, tanks, water and fire towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks and flag poles, stage towers and scenery lofts, silos, cooling towers, windmills and communication towers.

I. Repair and Maintenance

This Ordinance allows, without a permit, the normal upkeep and maintenance of uses and structures including repairs or renovations which do not involve expansion of the use or structure, and such other changes in a use or structure as federal, state, or local building and safety codes may require.

J. Travel Trailers, Campers and Recreational Vehicles

Travel trailers, campers or recreational vehicles shall not be used as mobile homes. A travel trailer, camper or recreational vehicle in use as a temporary dwelling for more than 120 days per calendar year shall be stationed only in an authorized campground or trailer park. Travel trailers, campers or recreational vehicles may be stored on the premises of the owner. Travel trailers, campers or recreational vehicles used as temporary offices and/or storage facilities during construction may be in use in excess of 120 days with written permission from the Board of Selectmen.

K. Utility Poles

1. Pole Construction: Poles within the highway limits shall be single-pole construction.
2. Multiple Pole Lines: Multiple pole lines are not permitted within the highway limits.

L. Signs

1. There shall be no exterior electronically changeable (digital) signs over six (6) square feet allowed in the town of Bristol. Any signs over 6 (six) square feet that are legally existing prior to March

20, 2018 may remain in their original location until (a) such time as they are removed, replaced for any reason, or destroyed or (b) 5 years from the above date, whichever is earlier.

2. All allowed electronically changeable (digital) signs shall conform to the following restrictions:
 - (a.) No electronically changeable (digital) sign shall remain illuminated between the hours of 10pm and 4am.
 - (b.) No electronically changeable (digital) sign shall change its screen more than once every 10 minutes, and shall not scroll or flash.

SECTION 11: ADMINISTRATION

A. Administering Bodies and Agents

This Ordinance shall be administered by the Board of Selectmen, the Code Enforcement Officer, the Planning Board and the Board of Appeals previously established pursuant to state law by the Town of Bristol.

B. Permits Required

C. Permit Applications

1. After the effective date of this Ordinance no person, firm, or corporation shall, without first obtaining a permit: (1) construct, reconstruct, enlarge, relocate, erect, or place any structure or manufactured housing on any lot, existing or newly created. Garden or tool shed type accessory structures of one floor and 200 square feet or less shall not require a permit.
2. Every applicant for a permit shall submit to the Board of Selectmen at the Town Office a written application, including a scaled site plan, on a form provided by the Town.
3. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
4. All applications shall be dated and the Town Office shall note upon each application the date of its receipt.
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector or by a state-certified professional shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

1. The Code Enforcement Officer, Planning Board, or the Board of Selectmen, as applicable, shall screen each submission and notify the applicant either that the application is complete, or, if it is incomplete, that specified additional material is needed to make it complete.
2. Complete applications which require the issuance of a Subdivision or a Shoreland Permit shall be first referred to the Planning Board/Code Enforcement Officer. Those which require a variance

shall then be referred to the Board of Appeals prior to further action on the application by the Board of Selectmen/Code Enforcement Officer/Planning Board as applicable.

3. Prior to approving any application, the Board of Selectmen, the Planning Board or the Board of Appeals may direct the Code Enforcement Officer to review the application and/or inspect the site and to make a written report for their guidance.
4. The Board of Selectmen may at its discretion establish and publish a schedule of permit fees.
5. Permits shall be approved by the Board of Selectmen/Code Enforcement Officer if the proposed land use activity is found to be in conformance with the purposes and provisions of this Ordinance and the applicant has paid any required fees. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

F. Installation of Public Utility Services

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new building or manufactured housing located in the Town of Bristol unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the Board of Selectmen or the Planning Board. Following installation of service, the company or district shall forward the written authorization to the Board of Selectmen indicating that the installation has been completed.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- (a.) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Board of Selectmen in the administration of this ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
- (b.) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

- (a.) Variances may be granted only from dimensional requirements including but not limited to lot area and setback requirements.
- (b.) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c.) The Board shall not grant a variance unless it finds that:
 - 1. The proposed structure or use would meet the provisions of Section 10, except for the specific provision which has the non-conformity and from which relief is sought; and
 - 2. The strict application of the terms of this Ordinance would result in undue hardship.The term “undue hardship” shall mean:
 - I) That the land in question cannot yield a reasonable return unless a Variance is granted;
 - II) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - III) That the granting of a variance will not alter the essential character of the locality; and
 - IV) That the hardship is not the result of action taken by the applicant or a prior owner.
- (d.) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformity with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Board of Selectmen, it shall hold an appellate hearing, and may reverse the decision of the Board of Selectmen only upon finding that the decision was contrary to specific provisions of the ordinance or contrary to the facts presented to the Board of Selectmen. The Board of Appeals may only review the record of the proceedings before the Board of Selectmen. The Board of Appeals shall not receive or consider any evidence which was not presented to the Board of Selectmen, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Board of Selectmen proceedings are inadequate, the Board of Appeals may remand the matter to the Board of Selectmen for additional fact finding.

4. Appeal Procedure

(a.) Making an Appeal

- 1. An administrative appeal or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Board of Selectmen, except for enforcement-related matters as described in 11.G.(1)(a) above. Such an appeal shall be taken within thirty (30) days of the official written decision

appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Applications for appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (I) A concise written statement indicating what relief is requested and why it should be granted.
 - (II) A sketch drawn to scale showing the lot lines, location of existing structures and other physical features of the lot pertinent to the relief sought.
3. Upon being notified of an appeal, the Code Enforcement Officer or the Board of Selectmen, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of a complete written application for appeal, unless this time period is extended by the parties.

(b.) Decision by the Board of Appeals

1. No action shall be taken by the Board of Appeals unless a quorum is present. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Board of Selectmen or the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Board of Selectmen or the Code Enforcement Officer only upon a finding that the decision or failure to act was clearly contrary to specific provisions of this Ordinance.
3. The person filing the appeal shall have the burden of proof.
4. The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
5. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

5. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(G) any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within

forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification of the landowner, petitioner, Board of Selectmen, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Board of Selectmen

(a.) It shall be the duty of the Board of Selectmen to enforce the provisions of this Ordinance. If the Board of Selectmen shall find that any provision of this Ordinance is being violated, it shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

(b.) The Board of Selectmen shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

3. Code Enforcement Officer

At the direction of the Board of Selectmen or the Planning Board, the Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate complaints of alleged violations when directed to do so by the Board of Selectmen or the Planning Board.

4. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat to public health and safety or will result in substantial environmental damage.

Fines

Any person, including but not limited to a landowner, a landowner's agent, or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A., Subsection 4452 as amended from time to time.

NOTE: Current penalties include fines of not less than \$100.00, nor more than \$2,500.00 per violation for each day the violation continues.

SECTION 12: DEFINITIONS

Accessory Dwelling Unit: a second dwelling unit located within a detached single-family dwelling unit situated on an individual lot. Such a dwelling unit shall be subordinate to the principal dwelling in terms of size, location and appearance.

Accessory Structure or use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Addition: an expansion in volume and/or area directly adjoining the principal dwelling and sharing a common wall.

Apartment: a dwelling unit consisting of a room or suite of rooms located in a building occupied by more than one household.

Building: a structure for the support, shelter or enclosure of persons, animals, goods, or property of any kind.

Development: a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, and height.

Disability: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway: a vehicular access-way serving two single family dwellings or one two-family dwelling, or less.

Duplex: a two-family house with separate but similar dwelling units.

Dwelling: a building designed or used as the permanent or seasonal living quarters for one or more families, having a toilet, food preparation area and sleeping quarters.

Expansion of a structure: an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Family: one or more persons occupying a premises and living as a single housekeeping unit.

Floor area: the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint: the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Foundation: the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Height of a Structure: the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Highway: a public way including all of the right-of-way that may have been laid out by the State, County or Town.

Increase in nonconformity of a structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase the nonconformity.

Lot: an area of land in one ownership or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Lot area: The area of land enclosed within the boundary lines of a lot.

Manufactured Housing: a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Market value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Multiple Dwelling Unit: a residential structure containing three (3) or more residential dwelling units.

Multiple Pole Lines: Two or more sets of utility poles located along a highway for the conveyance of transmission or distribution wires or cables, not including service lines.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of this ordinance.

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback or height., but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal structure: a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same lot.

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Retaining Wall: a vertical wall used to restrict the movement of soil or water.

Road: a route or track consisting of a bed of mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Signs, electronically changeable (digital): Any on premise sign created, designed, manufactured or modified in such a way that its message may be electronically or digitally altered by the complete substitution or replacement of one display by another.

Structure: anything temporarily or permanently located, built, constructed or erected for support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and ground mounted solar arrays. Structure does not include and is not limited to: fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, Section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, Section 4700-E, subsection 3-C, or wells or water wells as defined in Title 32, Section 4700-E, subsection 8.

Substantial Start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any

surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Travel Trailers, Campers and Recreational Vehicles: a vehicle, vehicular attachment or any structure intended for or so constructed that it will be primarily suitable for living or sleeping quarters, or for office purposes, mounted upon wheels or any other device upon which it may readily be transported, either by its own power or some externally applied effort. This definition shall include other short-term sheltered vehicles and devices.