

BUCKSPORT TOWN COUNCIL MEETING
7:00 P.M., THURSDAY, AUGUST 9, 2018
TOWN COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE
AGENDA

1. **Call Meeting To Order**
2. **Roll Call**
3. **Presentation of any Town Council Recognitions**
4. **Consider minutes of previous meetings**
 - a. July 26, 2018 Town Council Minutes
 - b. July 26, 2018 Finance Committee Minutes
 - c. July 26, 2018 Regulatory Review Committee Minutes
5. **Receive and review correspondence and documents**
6. **Ordinances to Consider/Introduce**
 - a. Second Reading – Chapter 13 Property Maintenance Standards
 - b. Second Reading – Chapter 5 Building Codes and Standards
 - c. Third Reading – Chapter 12 Traffic & Safety
7. **Discussion Items (Manager Clarification and Direction, or Council Discussion and/or Input on Issues)**
 - a. Regulatory Review Committee Update – 8-09-18 meeting
 - b. Finance Committee Update – 8-09-18
 - c. Legal Opinion – Town Code & Town Charter re: Employment & Council Service
 - d. Non-binding referendum – Single Use Plastic Bag Ban
8. **Agenda Items**
 - a. To approve Resolve #2019-09 to approve purchase of 2 police cruisers.
 - b. To approve Resolve #2019-10 to approve the pier reconstruction bid.
 - c. To approve Resolve #2019-11 to approve a non-binding referendum question related to banning single use plastic bags for the November 2018 election.
9. **Resignations, Appointments, Assignments, and Elections**
10. **Approval of Quit Claims, Discharges, and Deeds**
 - a. Deed for Sale of Map 52 Lot 28 to Rosemary & Mark Bamford
11. **Town Manager Report**
 - a. Department Head Reports
12. **Set Public Hearings, and/or Hold Public Hearings and Approval of any Licenses or Permits**
13. **Discussion of Items Not on the Agenda for Council and Public**
14. **Upcoming Public Hearings, Designation of Topics for Committee Assignment, and Scheduling of Committee Meeting**
 - a. Infrastructure Committee Meeting – Sign change, accessibility discussion – town dock
15. **Adjournment**

BUCKSPORT TOWN COUNCIL MEETING
7:00 P.M., THURSDAY, JULY 26, 2018
TOWN COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE
MINUTES

4a

1. Call Meeting To Order

Mayor David Keene called meeting to order at 7:00 PM.

2. Roll Call

Mark Eastman, Paul Rabs, David Kee, David Keene, Peter Stewart, Paul Gauvin, Robert Carmichael, Jr.

3. Presentation of any Town Council Recognitions - None

4. Consider minutes of previous meetings

a. July 12, 2018 Town Council Minute

Motion by Councilor Gauvin, seconded by Councilor Eastman to approve Town Council Minutes as presented. Vote: 7 – 0.

5. Receive and review correspondence and documents

a. Downeast Transportation – Ridership Report June 2018

Town Manager reported that Leslie Rabs provided a riders report showing year to date, as of June 2018, noting taxi ridership has doubled. They continue to distribute flyers informing public of this service and she thanked the Senior Resource Committee, especially Leslie Rabs, for their dedication to this program.

6. Ordinances to Consider/Introduce

a. Second Reading – Chapter 12, Traffic & Safety

Jeff Hammond, CEO, reviewed the information which would allow (2) parking spaces to be assigned to the new owner of 52 Main Street. The change would be from a prohibition to 'except in designated areas.' The second change is because signs on the waterfront indicate no scooters, but the Town ordinance does not address scooters. This will be referred back to committee for further discussion to address scooters used by those with mobility challenges.

b. First Reading – Chapter 13 Property Maintenance Standards

Jeff Hammond, CEO reported that this document contains property maintenance provisions taken out of chapter and placed in a new chapter. Wording has been changed to simplify the language, and the main purpose for this Chapter is public safety; vegetated landscaping has been added because overgrown vegetation is a safety issue in the compact area particularly on abandoned property. An appeal process, waiver provision, and a definition section are included.

Motion by Councilor Eastman, seconded by Councilor Carmichael to hold a public hearing at the next Town Council meeting August 9th. Vote: 7 - 0

C. First Reading - Chapter 5 Building Codes and Standards

Jeff Hammond, CEO stated that the proposed ordinance provides 25 exemptions on permitting, addresses building codes and standards, the energy codes and adds a provision that would allow 'tiny houses'. It is a repeal and replace chapter.

Motion by Councilor Stewart, seconded by Councilor Gauvin to hold a public hearing and second reading at next Town Council meeting August 9th. Vote: 7 – 0.

- c. Ordinance Adoption – #5 – Chapter 12, Traffic & Safety
Referred back to Committee.

7. **Discussion Items** (Manager Clarification and Direction, or Council Discussion and/or Input on Issues)

- a. Regulatory Review Committee Update – 7-26-18 meeting

Councilor Rabs – the Committee discussed two land use items; (1) land use ordinance regarding RV as live in year around.; (2) no vote on committee regarding discontinuation of plastic bag usage - discussion on possible going forward with non-binding referendum question at the November Election.

- b. Alternative LPI

Town Manager - noted when CEO, Jeff Hammond is on vacation, people in need of inspections have nobody to call. He reached out to Luke Chiavelli to discuss coverage for vacations and Mr. Chiavelli is interested. She will set up a meeting with Luke Chivaelli.

Motion Councilor Eastman, seconded by Councilor Carmichael to move forward with hiring an Alternative LPI. Vote: 7 - 0

- c. Finance Committee Update – 7-26-18

Councilor Kee - briefly indicated that the committee is reviewing social and community service funding, procedures and dollar amounts.

8. **Agenda Items**

- a. To approve Resolve #2019-05 to approve the Sewer Commitment for the 4th Qtr of 2017/18 fiscal year

Motioned by Councilor Carmichael, seconded by Councilor Gauvin to approve. Vote: 7 – 0.

- b. To approve Resolve #2019-06 to approve the Maine Municipal Association Voting Ballot as recommended by the MMA Nominating Committee

Motioned by Councilor Kee, seconded by Councilor Gauvin to approve Resolve #2019-05. Vote 7 – 0.

- c. To approve Resolve #2019-07 to approve Pay Requisition #27 for the Sewer

Treatment Plant Project

Motioned by Councilor Gauvin, seconded by Councilor Carmichael to approve Resolve #2019-07. Vote: 7 – 0.

- d. *To approve Resolve #2019-08 to sell Map 52 Lot 28 to Rosemary and Mark Bamford*

Motioned by Councilor Gauvin, seconded by Councilor Carmichael to approve Resolve #2019-08. Vote: 7 – 0.

9. Resignations, Appointments, Assignments, and Elections - None

10. Approval of Quit Claims, Discharges, and Deeds - None

11. Town Manager Report

The Town Manager's Report is attached hereto and made a part of the minutes

12. Set Public Hearings, and/or Hold Public Hearings and Approval of any Licenses or Permits

Motioned by Councilor Gauvin, seconded by Councilor Kee to approve out door Vendors Produce renewal license for Terry Rowell, d/b/a Terry's Produce. Vote: 7 - 0

12. Discussion of Items Not on the Agenda for Council and Public

Jim Morrison discussed Bucksport Town Code chapter 2 and reviewed sections indicating that Mr. Rabs cannot run for Town Council as an employee. Maine Municipal gave a legal opinion indicating that he could run with no conflict, but he believes that there is a conflict.

Town Manager indicated that the charter language says it cannot be a full time employee of the town and that was what was reviewed by Maine Municipal.

Councilor Carmichael - noted that the Town has received an legal opinion; Bucksport is a small town, and he feels anyone should be able to run for office if they are employed part-time.

Councilor Gauvin-indicated that if the citizens feel this is a conflict, then they won't vote for Mr. Rabs.

Mayor Keene-inquired about the drainage study on Woodland Heights, Forest Hill & behind flower shop. Town Manager noted that Mandy is on vacation, but working on this issue.

13. Upcoming Public Hearings, Designation of Topics for Committee Assignment, and Scheduling of Committee Meeting

Finance Committee meeting on August 9, 2018 at 5:30 PM.

Regulatory Review Committee meeting on August 9, 2018 at 6:00 PM.

14. Adjournment

Motioned by Councilor Kee, seconded by Councilor Gauvin that the meeting be adjourned at 8:00 P.M.

*Respectfully submitted,
Kathy L. Downes
Council Secretary*

**FINANCE COMMITTEE MEETING
5:30 P.M., THURSDAY, JULY 26, 2018
COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE**

4b

MINUTES

1. **Call meeting to order** – *The meeting was called to order at 5:30 p.m. by Chairman Kee.*
2. **Roll call** – *Present; Councilor Peter Stewart, Councilor Paul Gauvin, Chairman David Kee – also attending, Councilor Mark Eastman*
3. **Non-Municipal Agency funding policy**
The Committee reviewed information provided by the Town Manager that showed the past ten years of funding levels for Community & Social Agencies. She suggested that the Library and Snowmobile accounts be listed under the Recreation Budget and the Cable Consortium dues under the PEG Channel budget.

Information was presented on mil-rate impact of these accounts over the past ten years. The Committee will review the information presented and will schedule another meeting prior to the next Council meeting to determine what funding limit should be considered for overall donations as well as for any one individual entity.
4. **Adjournment**
Motion by Councilor Stewart, seconded by Councilor Gauvin to adjourn at 5:55 p.m. Vote 3-0.

Respectfully submitted,

*Susan Lessard
Town Manager*

Finance Committee
Peter Stewart
Paul Gauvin
David Kee, Chair

4c

REGULATORY REVIEW COMMITTEE MEETING
6:00 P.M., THURSDAY, JULY 26, 2018
COUNCIL CHAMBERS – BUCKSPORT TOWN OFFICE

MINUTES

1. **Call meeting to order** – *The meeting was called to order at 6:00 p.m. by Chairman Rabs.*
2. **Roll call**
Members present; Councilor Mark Eastman, Councilor David Kee, Councilor Paul Rabs. Also present were Councilor Peter Stewart, Councilor Robert Carmichael, Jr.
3. **RV's – Year Round Occupancy** –
CEO Jeff Hammond asked the Committee how they want to handle enforcement of the prohibition from occupying recreational vehicles on a year round basis since the Town's ordinance only allows 7 months of occupancy. He reported that there were several instances of this happening in the community, primarily on the Upper Long Pond road. Resident Anthony Hebert, who occupies such a dwelling on Upper Long Pond road asked that the Council take no enforcement action. He indicated that it is his intent to eventually move a regular mobile home onto the site and have a permitted septic system and well but does not have the financial means to do so at this time.

Motion by Councilor Eastman, seconded by Councilor Kee to have the CEO bring back language to the next meeting to change the ordinance to allow persons to occupy recreational vehicles in a rural zone and to not take any steps to enforce the current provision regarding the 7 month limitation.. Vote 3-0.

4. **Meeting Facility – Village District**
The CEO asked the Committee for direction regarding a request from a person in the village district to allow a Meeting Facility to be an allowed use. The location of the proposed meeting facility is in a residential subdivision that has covenants prohibiting commercial use. Based on that as well as the lack of parking, and other access issues, it was the consensus of the Committee to not support the request for the change.
5. **Request for Ordinance banning plastic shopping bags**
The Town Manager explained that a request had come from a citizen through the Heart & Soul process for the Town to consider eliminating the use of single-use plastic bags in Town. She provided information from communities that had adopted such bans and as an example provided a copy of an ordinance from Kennebunk. Chairman Rabs indicated that he thought this item should be put out as a non-binding referendum question on the November ballot.

Resident Jim Morrisons indicated that he was against the idea of banning single-use plastic bags.

Motion by Councilor Rabs, seconded by Councilor Eastman to recommend to the Town Council a non-binding referendum question on eliminating single use plastic bags. Vote 3-0.

6. Adjournment

Motion by Councilor Eastman, seconded by Councilor Kee to adjourn at 6:50 p.m. Vote 3-0.

Regulatory Review Committee

Mark Eastman

Paul Rabs, Chair

David Kee

62

Chapter 13 Property Maintenance Effective:

FIRST READING: An ordinance to establish a new chapter in the Bucksport Town Code to relocate and update property maintenance standards that have been removed from Chapter 5. The ordinance shall read as follows:

Chapter 13 Property Maintenance Standards

Table of Contents

		Page
SECTION 1	PURPOSE	2
SECTION 2	AUTHORITY	2
SECTION 3	APPLICABILITY	2
SECTION 4	SEVERABILITY AND CONFLICT	2
SECTION 5	ADMINISTRATION	2
SECTION 6	PROPERTY MAINTENANCE STANDARDS	3
SECTION 7	DEMOLITION STANDARDS	5
SECTION 8	RESERVED	7
SECTION 9	NUISANCES	7
SECTION 10	ENFORCEMENT	7
SECTION 11	APPEALS	8
SECTION 12	WAIVERS	9
SECTION 13	DEFINITIONS	9

Chapter 13 Property Maintenance

SECTION 1 PURPOSE

- 1.1 The purpose of this chapter is to provide minimum standards to protect the environment, municipal services, property values and the health, safety and welfare of the public insofar as they may be affected by the maintenance of any existing building, structure or property, and to provide administration and enforcement of those standards.

SECTION 2 AUTHORITY

- 2.1 The Code Enforcement Officer (CEO) is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this chapter.
- 2.2 The Municipal Officers shall have the authority to require an environmental site assessment and a performance bond or irrevocable letter of credit in accordance with the applicable provisions of this chapter.

SECTION 3 APPLICABILITY

- 3.1 This chapter applies to the maintenance of all existing buildings, structures and properties in the Town of Bucksport.

SECTION 4 SEVERABILITY AND CONFLICT

- 4.1 If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

SECTION 5 ADMINISTRATION

- 5.1 The CEO shall administer the provisions of this chapter.
- 5.2 The administrative provisions of the Maine Uniform Building and Energy Code shall apply to any permitting that may be required to maintain any building or property.
- 5.3 A demolition permit is required prior to demolishing any structure, except for the following structures:
1. A residential accessory structure.
 2. A commercial or noncommercial accessory structure with a footprint of 500 square feet or less.
 3. A structure ordered to be demolished by the town.
 4. A structure with no floor area.
 5. A structure owned by the town of Bucksport.
 6. A mobile home.
- 5.3.1 A demolition permit may not be issued until all applicable prerequisites identified in this section have been met.

Chapter 13 Property Maintenance Effective:

- 5.3.2 A demolition permit may not be issued for any structure until all real estate taxes due for that structure have been paid in full.
- 5.3.3 A demolition permit may not be issued for any structure used to house equipment assessed with a personal property tax until all personal property taxes due for the equipment have been paid in full. This requirement shall apply whether or not the equipment is located in the structure when a permit application is submitted.
- 5.3.4 A demolition permit may not be issued until payment of the required permit fee has been made. The required fee shall be as identified in the Schedule of Fees adopted by the Town.
- 5.4 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an environmental site assessment of a property where a demolition or site improvement is proposed, if that property is occupied or was previously occupied with a commercial land use involving the use, handling or disposal of hazardous substances, petroleum products, special wastes, hazardous wastes, or similar types of materials. If environmental hazards are identified, a remediation plan approved by the Town Council shall be required.
- 5.5 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an irrevocable letter of credit or a performance bond to guarantee the satisfactory completion of the removal of identified environmental hazards on a property where a demolition or site improvement has been proposed. An irrevocable letter of credit or a performance bond may also be required to guarantee the satisfactory completion of the removal of demolished structures and site restoration.
- 5.5.1 Whenever the demolition or removal of material is reasonably anticipated to exceed 1,000 cubic yards, an irrevocable letter of credit or performance bond shall be required.
- 5.5.2 A required irrevocable letter of credit or a performance bond shall be issued in an amount equivalent to 110% of the cost to complete all required remediation and permitted demolition work.

SECTION 6 PROPERTY MAINTENANCE STANDARDS

- 6.1 WATER, LAND AND VEGETATION
- 6.1.1 Surface water run-off and subsurface drainage from any property must be contained or diverted to the extent necessary to prevent water from entering any public street or sidewalk and causing a public safety hazard, or entering any property or building and flooding or damaging that property or building.
 - 6.1.1.1 No surface or subsurface water may be drained to the public sewer system.
- 6.1.2 No fill containing hazardous materials, junk, garbage or refuse may be deposited on any property, except in a landfill licensed to accept such fill.
 - 6.1.2.1 Disturbed soils must be stabilized in accordance with best management practices for erosion and sedimentation control.
- 6.1.3 Open shafts, wells, tanks, and other subterranean cavities that present a fall hazard must be removed, filled, covered, barricaded or otherwise protected to prevent a public safety hazard.

- 6.1.4 Vegetated landscaping is not required to be maintained, except that no vegetated landscaping on any abandoned property in the Compact Area may be uncared for to the extent that a public safety concern is identified by the CEO for any of the following reasons:
1. Overgrown vegetation has become a fire risk to buildings or structures.
 2. Overgrown vegetation has become a habitat or cover for wildlife that may cause injury, disease or property damage.
 3. Overgrown vegetation provides cover for unauthorized use or illegal activity.

11 New Section

6.2 ROADS [RESERVED]

6.3 OUTDOOR STORAGE

- 6.3.1 No unserviceable, discarded, worn out or junked motor vehicle or vehicle parts may be stored outside on any property in the Compact Area.
- 6.3.2 No more than two unserviceable, discarded, worn out or junked motor vehicles may be stored outside on any property outside the Compact Area, except in a licensed automobile graveyard.
- 6.3.3 No accumulation of discarded, worn-out or junked items may be allowed outside on any property, except in a licensed junkyard. Discarded, worn-out or junked items include any physical objects that are no longer maintained for their intended purpose and which are rotting or rusting, or otherwise in a state of decay, disintegration, delamination, deformation, degradation, damage or deterioration.
- 6.3.4 No mobile home may be permanently stored on any property. A mobile home is considered permanently stored if it remains on a property for one year without being permitted and approved for occupancy.
- 6.3.5 All refuse and garbage must be stored in a sanitary manner in closed bags, cans or receptacles with covers, or in structures or containers intended for waste storage.
- 6.3.5.1 Refuse or garbage may not be stored in any manner or quantity that causes the attraction of animals or emits foul odor.
- 6.3.5.2 Waste containers may not be filled over capacity.
- 6.3.6 Waste containers in the Compact Area may not be emptied or moved on or off site by a commercial hauler between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- 6.3.7 Waste containers contracted for regular waste disposal must be screened from ordinary view by pedestrians on the Waterfront Walkway, and by pedestrians and motorists on Main Street or Route 1. This requirement applies to one or more container with a total or combined volume of one cubic yard or greater.
- 6.3.7.1 Screening may be provided by:
1. Natural or altered topographical features such as hills, gullies or embankments that are stable and vegetated;
 2. Vegetation such as trees and shrubs that effectively provide screening at all times;
 3. Stone, brick or concrete walls; or
 4. Buildings, fencing or other structures, except motor vehicles, box trailers or similar structures.
- 6.3.7.2 All buildings, fences and other structures providing screening in accordance with Section 6.3.7.1 must be structurally sound, free of rot and decay and properly maintained.

- 6.3.7.3 All fencing utilized for screening must be designed and installed to resist damage from the force of wind and to remain stable and plumb in frozen soil.
- 6.3.7.4 The exterior surface of fencing utilized for screening must be uniform in appearance and comprised of materials customarily used for fence installations. The material used may be wood, metal, vinyl, composite, stone or masonry. For the purposes of this section, "exterior surface" means the side facing a street or an abutting property.

6.4 BUILDINGS AND STRUCTURES

- 6.4.1 All buildings and structures and appurtenances attached thereto must be maintained in good repair and free of defects, dilapidation and decay.
- 6.4.2 All vacant structures must be secured to the extent necessary to prevent unauthorized entry.
- 6.4.3 No building intended for human occupancy may have any opening that allows the entry of wild animals into or under the building.
- 6.4.4 No exterior wall may remain without finish siding for more than one year.
- 6.4.5 No roof may remain without finish roofing for more than one year.
- 6.4.5.1 No roof on a building in the Compact Area may be finished or refinished with wood roofing material. An existing roof finished with wood roofing material may be repaired with like material.
- 6.4.6 All interior surfaces must be kept in good repair, clean, and free of mold and chipping or flaking lead-based paint. Asbestos-containing material must be maintained to the extent necessary to prevent the release of asbestos fibers into the air.
- 6.4.6.1 All removal of lead-based paint and asbestos-containing material must be conducted in accordance with state law.
- 6.4.7 All exits and secondary means of escape for a building must be kept clear of obstructions and in operating condition.
- 6.4.8 All required lighting must be maintained in operating condition.
- 6.4.9 All mechanical, heating, ventilation and electrical equipment installations must be maintained in operating condition.
- 6.4.9.1 All chimneys, smoke stacks, and similar appurtenances must be maintained structurally safe and sound, and in good repair.
- 6.4.9.2 No exhaust fan may be vented into an attic or through an eave soffit panel.
- 6.4.10 All plumbing and septic system installations must be maintained in a sanitary and operating condition.
- 6.4.11 All required smoke and carbon monoxide detectors must be maintained in operating condition.
- 6.4.12 All required sprinkler systems must be maintained in operating condition.
- 6.4.13 All required fire alarm systems must be maintained in operating condition.
- 6.4.14 All required radon mitigation systems must be maintained in operating condition.

SECTION 7 DEMOLITION STANDARDS

- 7.1 Demolitions must be screened from view to the greatest practical extent from any public street, public recreational area, and navigable waters. This requirement may be waived by the CEO for demolitions of short duration, or when site constraints make the installation of screening impractical or unreasonable.

- 7.1.2 Adequate measures must be taken to prevent unauthorized entry into any demolition site containing or suspected of containing environmental hazards, unsanitary conditions or other risks to the public health and safety.
- 7.2 Exterior lighting required for any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.17.
- 7.3 Noise from demolition activity involving the use of crushers, blasting or similar high-decibel generating equipment is subject to compliance with the applicable Maine Department of Environmental Protection noise regulations in Chapter 375.10.
- 7.4 Smoke and dust from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.21.
- 7.5 Vibration from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.22.
- 7.6 The disposal of all debris and other wastes from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.27.
 - 7.6.1 Universal wastes must be recycled in accordance with state law.
 - 7.6.2 Burial of demolition debris must be conducted in accordance with state law.
 - 7.6.3 Burning of demolition debris may only be conducted with permission from the Fire Department.
- 7.7 Demolitions are subject to compliance with all applicable fire, safety and building codes.
- 7.8 Any utility connection to a public system must be appropriately terminated and disconnected prior to the commencement of any demolition affecting such connection.
 - 7.8.1 Abandoned septic tanks are subject to compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
- 7.9 Demolitions may not cause the pollution or contamination of soils, water or air with any hazardous material. Removal of hazardous materials is subject to compliance with applicable state or federal rules, laws and regulations.
- 7.10 All holes in the ground remaining after the removal of below-ground structures must be filled with appropriate backfill material, except when new construction is permitted for the site.
 - 7.10.1 All disturbed soils must be graded to provide proper drainage, and stabilized in accordance with best management practices for erosion and sedimentation control.
- 7.11 Demolition and any related activity including, but not limited to, crushing, compacting, sorting, moving, loading or removing demolished material, and truck traffic to and from a demolition site, may only be conducted between the hours of 7:00AM and 7:00PM, Monday through Friday. This section shall not apply to any demolition that is exempt from permitting.
- 7.12 No trucks or equipment may be parked or stored on any public street, except as may be temporarily necessary to do so for loading or unloading purposes.
 - 7.12.1 Appropriate measures must be taken to prevent the accumulation of mud or debris on a public street from trucks exiting a demolition site.

SECTION 8 *RESERVED*

SECTION 9 **NUISANCES**

- 9.1 A building, structure or property that is in violation of any provision of this chapter is deemed to be a nuisance. A building, structure or property identified as a nuisance is deemed to be a dangerous nuisance if it poses a risk of incapacitating injury or death for any person.
- 9.1.1 The CEO may determine that a risk of incapacitating injury or death exists if any of the following conditions is present or imminent:
1. A structural failure.
 2. An explosion.
 3. A fire.
 4. A fire-damaged structure.
 5. An electrical hazard.
 6. Poisonous contamination or biological infection of water, air or the physical environment.
 7. A precipitous fall hazard.
 8. Catastrophic damage.
- 9.2 Any identified nuisance condition is subject to enforcement in accordance with the provisions of Section 10.

SECTION 10 **ENFORCEMENT**

- 10.1 The CEO shall enforce the provisions of this chapter and shall make every reasonable effort to obtain voluntary compliance when a nuisance condition is identified.
- 10.2 Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the CEO has reasonable cause to believe that there exists in a structure or upon a property a violation of this chapter, the CEO may enter the structure or premises at reasonable times to inspect the structure or property, provided that if such structure or property is occupied, the CEO shall present credentials to the occupant and request entry. If such structure or property is unoccupied, the CEO shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or property and request entry. If entry is refused, the CEO shall have recourse to the remedies provided by law to secure entry.
- 10.3 A formal enforcement action taken by the CEO shall require a written Notice of Violation issued to the property owner and violator, if different, containing the following information:
1. Name and address of the property owner/violator
 2. Location of the property, and map and lot number
 3. Date that the violation was observed
 4. Description of the violation
 5. Corrective order and time allowed to comply
 6. Penalty statement
 7. Date of the notice and the CEO's signature

- 10.4 Notice of Violations shall be delivered via First Class United States Mail. When delivery by mail is not accepted or not possible, in hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- 10.5 When compliance with the corrective order of the Notice of Violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.
- 10.6 Prior to issuing a formal violation notice, the CEO may order the occupants of any building or property deemed to be a dangerous nuisance to immediately vacate the building or property and not return until the building or property is approved for occupancy.
- 10.6.1 The CEO shall post a written notice of a dangerous nuisance on the property as soon as possible after the dangerous nuisance has been identified. The CEO shall order the owner or owner's agent to secure the building or property to prevent unauthorized entry and to address any immediate public safety hazard.
- 10.6.2 If action is not taken as ordered by the CEO to address the dangerous nuisance, the CEO shall cause the building or property to be secured and shall take any other necessary protective measures including, but not limited to, installing sidewalk and street barricades, and ordering adjacent structures to be vacated.
- 10.6.3 The owner shall be ordered to repay all expenses incurred by the town to secure the dangerous premises and protect the public safety within 30 days after demand. If the owner fails to comply, a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.
- 10.7 In the event that a building demolition is ordered by the CEO and the owner fails to comply with the demolition order, the Town Council may take action in accordance with Title 17 §2851 et seq.
- 10.8 The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the Municipal Officials.

SECTION 11 APPEALS

- 11.1 An aggrieved party may take an administrative appeal from any decision, action or non-action of the CEO to the Bucksport Board of Appeals.
- 11.1.1 A Notice of Violation may not be appealed.
- 11.2 An application for appeal must be received at the Bucksport Town Office no later than 30 days after the date of the decision, action or non-action being appealed.
- 11.3 An appeal of a decision of the Board of Appeals may be taken to Superior Court in accordance with the provisions of Title 30-A §2691.

SECTION 12 WAIVERS

- 12.1 The CEO may grant a waiver of any specific requirement of this chapter, provided that:
1. No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

Chapter 13 Property Maintenance Effective:

2. Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and
 3. The health, safety and welfare of the public are protected.
- 12.2 The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.
- 12.3 The following provisions of this chapter may not be waived:
1. Required permits.
 2. Required fees.
 3. Town Council orders.

SECTION 13 DEFINITIONS

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Commercial Hauler: One who is in the business of emptying or moving solid waste containers.

Compact Area: Any area in Bucksport that is in the public sewer or water service area.

Finish Roofing: Any building product specifically designed for finish weather protection on a building roof including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

Finish Siding: Any building product specifically designed for finish weather protection on a building's exterior wall surface including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Junk: Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture. Discarded, scrap and junked lumber. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Operating condition: Working as designed and expected, without defect.

Ordinary view: Seen or observed without the aid of magnification provided by binoculars, telescopes or similar optical equipment.

Person: An individual, corporation, partnership or any other group acting as a unit.

Public safety hazard: Any condition of a property, building or structure that poses a risk of injury or death for any person.

Chapter 13 Property Maintenance Effective:

Refuse: Combustible and noncombustible waste materials, except garbage.

Structure: That which is built or constructed.

Unserviceable: Not ready for use or presently useable.

FIRST READING 7-26-18 A proposed amendment to repeal and replace Chapter 5 Building Standards and Property Maintenance of the Bucksport Town Code. The amendment renames the chapter "Building Codes and Standards." Other changes include reformatting the chapter to be consistent with other reformatted content in the Town Code, changing administrative procedures, recognizing the various codes and standards enforced by the Town, clarifying when a permit is required, adding permit exemptions, adopting standards for tiny houses, removing property maintenance standards and demolition standards and relocating the standards to a separate chapter of the Town Code, providing for a local appeal process, providing for waivers, clarifying enforcement procedures and updating definitions. The proposed amendment reads as follows:

Chapter 5 Building Codes and Standards

Table of Contents

		Page
SECTION 1	PURPOSE	2
SECTION 2	AUTHORITY	2
SECTION 3	APPLICABILITY	2
SECTION 4	SEVERABILITY AND CONFLICT	2
SECTION 5	ADMINISTRATION	2
SECTION 6	PERMITS REQUIRED	3
SECTION 7	INSPECTIONS AND APPROVALS	5
SECTION 8	BUILDING CODES AND STANDARDS	6
SECTION 9	MANUFACTURED HOUSING STANDARDS	7
SECTION 10	MISCELLANEOUS REGULATIONS	8
SECTION 11	APPEALS	8
SECTION 12	MODIFICATIONS AND WAIVERS	8
SECTION 13	ENFORCEMENT	9
SECTION 14	DEFINITIONS	9

Chapter 5 Building Codes and Standards

SECTION 1 PURPOSE

- 1.1 The purpose of this chapter is to establish minimum construction codes and standards to protect the health, safety and welfare of the public, to protect the environment, and to provide for administration and enforcement of those codes and standards.

SECTION 2 AUTHORITY

- 2.1 The Code Enforcement Officer (CEO) is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this chapter, and shall be recognized as the Building Official and the Authority Having Jurisdiction, where such titles are used in applicable codes, standards and rules.
- 2.2 All codes, standards and rules enforced by the Town of Bucksport, as identified in this chapter, are incorporated by reference herein.
- 2.2.1 All codes, standards and rules enforced by the Town of Bucksport may be viewed at the Bucksport Town Office. Free viewing of the copy-protected codes adopted by the state is available on the State of Maine website, except where prohibited by the publisher.

SECTION 3 APPLICABILITY

- 3.1 This chapter applies to the construction, erection, installation, alteration, movement, enlargement and replacement of all buildings and structures within the boundaries of the Town of Bucksport.
- 3.2 This chapter applies to the installation, alteration, movement, enlargement and replacement of all manufactured housing.

SECTION 4 SEVERABILITY AND CONFLICT

- 4.1 If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, or any ordinance, regulation or statute, the more restrictive provision governs.

SECTION 5 ADMINISTRATION

- 5.1 The administrative provisions of the Maine Uniform Building and Energy Code (MUBEC), with exceptions identified in this section, shall be enforced by the Town of Bucksport.
- 5.1.1 The administrative provisions for identifying required permits, permit exemptions and permit fees shall be as identified in Section 6.

- 5.1.2 The administrative provisions for appeals shall be as identified in Section 13.
- 5.1.3 The administrative provisions for enforcement shall be as identified in Section 15.
- 5.2 The administrative provisions of the MUBEC shall apply to the permitting, inspection and approval of manufactured housing and any other type of building or structure that is exempt from compliance with the MUBEC, but subject to the requirements of this chapter.

SECTION 6 PERMITS REQUIRED

- 6.1 Except as otherwise provided for in the section, a building permit is required prior to the construction, erection, installation, alteration, movement, enlargement or replacement of any building or structure including, but not limited to, those constructed or assembled on site and those that are prefabricated and delivered to a site. For the purposes of determining permit requirements, manufactured housing shall be considered a building.
 - 6.1.1 A building permit is not required for buildings or structures that are considered to have a minimal impact on the environment, municipal services and abutting properties. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances enforced by the Town. Any building or structure that does not require a building permit may still be subject to other municipal, state or federal permit requirements.
 - 6.1.2 Buildings and structures that may be constructed, erected, installed, altered, moved, enlarged or replaced without a building permit include the following:
 1. Swing sets, playhouses, playgrounds, benches, picnic tables, and other similar structures.
 2. Seasonal swimming pools.
 3. Fences, retaining walls, patios, fountains and similar structures.
 4. Pet shelters with a footprint limited to 100 square feet or less.
 5. Pens and corrals.
 6. Stairs, landings and ramps.
 7. Outbuildings with a footprint limited to 100 square feet or less.
 8. Free-standing decks with a footprint limited to 100 square feet or less, and which are not subject to the requirement of a guardrail.
 9. Fabric-covered shelters for residential accessory use (no concrete foundation).
 10. Portable ice fishing shelters.
 11. Temporary office and storage trailers on construction sites.
 12. Temporary vegetable stands and similar structures.
 13. Temporary stages, seating and theatrical props.
 14. Structures built at or below grade including, but not limited to, roads, sidewalks, trails, driveways, parking lots, RV parking sites, play fields, courts, tracks, ponds, underground utilities, wells, septic systems, storage tanks and similar structures. Storm shelters, survival bunkers and other occupiable underground structures are not exempt.
 15. Utility poles, lamp posts, sign posts, pylons and similar structures.
 16. Solar energy systems, stand-by generators, outdoor wood boilers, vehicle charging stations.

17. Above-ground storage tanks.
 18. Sculptures, monuments and similar structures.
 19. Free-standing and attached antennas and dish antennas, cell towers, windmills, wind turbines and similar structures.
 20. Bollards, Jersey barriers and similar structures.
- 6.2 A building permit is not required for ordinary repairs and property maintenance, including, but not limited to, window and door improvements, roofing and siding replacements and repairs, painting, drywall installation, and kitchen and bath improvements.
- 6.3 Manufactured housing is subject to the following permit requirements:
1. A building permit to install a mobile home constructed before June 15, 1976, or a mobile home without a permanently affixed label certifying compliance with HUD construction and safety standards, may not be issued until written certification from a qualified professional has been provided to the CEO verifying that the mobile home is in compliance with the applicable requirements of Section 9.
 2. A building permit to install any new manufactured housing purchased from other than a dealer licensed by the State, may not be issued until a bill of sales or other proof of sales tax payment for the manufactured housing has been submitted to the CEO
 3. A building permit to install any used mobile home from another jurisdiction may not be issued until proof of payment of all property taxes due in that jurisdiction for the mobile home has been submitted to the CEO.
- 6.4 If a state permit is required before a building permit can be issued, the CEO shall not issue the permit until such time a copy of the state permit is provided to the CEO.
- 6.5 If an entrance permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the entrance permit is provided to the CEO.
- 6.6 If a subsurface wastewater disposal permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a subsurface wastewater disposal permit can be issued by the CEO.
- 6.7 If a sewer permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the sewer permit is provided to the CEO.
- 6.8 A plumbing permit issued by the town is required in accordance with the State of Maine Internal Plumbing Rules and the Maine Subsurface Wastewater Disposal Rules.
- 6.9 A municipal electrical permit is not required for electrical installations.
- 6.9.1 Electrical installations are subject to inspection in accordance with Section 7.3.4.
- 6.10 A municipal mechanical permit is not required to install, replace, repair or maintain any heating, ventilation, air conditioning or other mechanical equipment.
- 6.11 No permit may be issued for a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute enforced by the municipality.
- 6.12 No permit may be issued until the town has received payment of the required fee, as identified in the town's approved Schedule of Fees.

- 6.12.1 When a permit fee is based on square footage of new construction, the outside dimensions of the structure at the floor level of each story shall be used to calculate the fee. Also included in the calculation are attic floor areas when the areas are accessed by a fixed or folding stairway, basement floor areas occupied as living space and deck and porch floor areas.
- 6.12.2 Permit fees for alterations are based on the total square footage of the altered floor area. If no floor area is affected, such as the addition of a dormer, the minimum permit fee shall be charged.
- 6.12.3 No submitted permit fee may be refunded.
- 6.12.4 An administrative fee shall be added to the required permit fee when any work subject to a building permit is started without the required permit. The administrative fee is identified in the town's adopted Schedule of Fees.
- 6.13 Upon issuance of a permit, required inspections and occupancy approvals shall be conducted by the CEO in accordance with the requirements of Section 7.
- 6.14 A permit shall expire 180 days after the date of issuance, unless work authorized by the permit is commenced, or if the permitted work is suspended or abandoned for a period of 180 days after the work commenced. The CEO may authorize extensions of up to 180 days each to the life of an issued permit upon payment of a \$25.00 fee for each extension. Justifiable cause must be shown to grant an extension.

SECTION 7 INSPECTIONS AND APPROVALS

- 7.1 The CEO shall conduct inspections in accordance with the requirements of the Maine Uniform Building and Energy Code (MUBEC) and this chapter.
- 7.1.1 In lieu of inspections performed by the CEO, a state-certified third party inspector (TPI) approved by the CEO may be hired by the permittee to conduct inspections required to verify compliance with the applicable requirements of the MUBEC. All costs associated with third-party inspections shall be the responsibility of the permittee.
- 7.1.2 The town may appoint an alternate CEO to conduct inspections in the event of an absence by the CEO.
- 7.2 All required inspections conducted by the CEO shall be identified on the permit and may include inspections for foundations, masonry, framing, floodplain construction, insulation, fire-rated construction, occupancy approval, manufactured housing installations and any other necessary inspection as determined by the CEO.
- 7.2.1 In the event that inspections are conducted by a TPI, the TPI shall inform the permittee of required inspections.
- 7.2.2 No inspections of any electrical installations shall be conducted by the Town.
- 7.2.3 Inspections of plumbing installations shall be conducted in accordance with the Maine Internal Plumbing Rules.
- 7.2.4 Inspections of subsurface wastewater disposal system installations shall be conducted in accordance with the Maine Subsurface Wastewater Disposal Rules.
- 7.2.4.1 A final inspection shall be required to verify completion of a permitted subsurface wastewater disposal system installation.
- 7.3 A Certificate of Occupancy shall be required as provided for in the MUBEC and this chapter.

- 7.3.1 A Certificate of Occupancy may not be issued until the CEO has determined that the building is in compliance with all applicable requirements of the MUBEC, the Bucksport Town Code and any applicable state law, rule or regulation enforced by the Town. If inspections were performed by a TPI, a written report from the TPI verifying compliance with the MUBEC must be submitted to the CEO before a Certificate of Occupancy can be issued.
- 7.3.2 A Certificate of Occupancy may not be issued for any new building served by a new subsurface wastewater disposal system until the CEO verifies that the system installation has been completed and that soils over the system have been seeded and stabilized with hay, straw or mulch, or adequate vegetation growth is present.
- 7.3.3 A Certificate of Occupancy may not be issued for any new building served by a new connection to the public sewer until written approval of the connection from the Superintendent of the Sewer Department is submitted to the CEO.
- 7.3.4 A Certificate of Occupancy may not be issued for any building requiring a new electrical service or containing new electrical installations until documentation is submitted to the CEO from the State Electrical Inspector, a licensed Master Electrician or a licensed Limited Electrician in House Wiring, stating that the electrical work is in compliance with the state electrical code.

SECTION 8 BUILDING CODES AND STANDARDS

- 8.1 The Town shall enforce the Maine Uniform Building and Energy Code (MUBEC), as adopted pursuant to 10 M.R.S. §9721, et seq.
- 8.1.1 The Town has established permit requirements and exemptions in this chapter that are in lieu of those identified in the MUBEC. See Section 6.
- 8.1.2 The Town shall enforce Appendix V Tiny Houses, as adopted in the MUBEC.
- 8.2 The Town shall enforce the National Fire Protection Association (NFPA) Life Safety Code, #101, as adopted by the State Fire Marshal's Office.
- 8.3 The Town shall enforce the National Fire Protection Association (NFPA) Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, #211, as adopted by the State Fire Marshal Office.
- 8.4 The Town shall enforce the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, as adopted with amendments by the Department of Professional and Financial Regulations, Plumber's Examining Board.
- 8.5 The Town shall enforce the Maine Subsurface Waste Water Disposal Rules, as adopted by the Department of Health and Human Services.
- 8.5.1 The Town of Bucksport has established subsurface wastewater disposal system installation inspection requirements in addition to those identified in the Rules. See Section 7.3.2
- 8.6 The Town shall enforce the Maine Fuel Board Rules, as adopted by the Maine Fuel Board, only to the extent that the Rules apply to the installation and maintenance of fuel oil supply tanks.
- 8.7 The Town shall not enforce any electrical codes or standards adopted by the State, except for any electrical standards included in the MUBEC.
- 8.7.1 The Town of Bucksport has established third party electrical inspection requirements. See Section 7.5.4.

SECTION 9 MANUFACTURED HOUSING STANDARDS

- 9.1 Manufactured housing constructed before June 15, 1976, must be certified as compliant with the *Health & Safety Standards for Used Manufactured Housing*, as adopted by the Maine Manufactured Housing Board.
- 9.2 Manufactured housing constructed on or after June 15, 1976 must be certified as compliant with the United States Department of Housing and Urban Development Standards.
- 9.3 All manufactured housing must comply with the following design criteria:
1. Roofs must be finished with a material manufactured for use as a finish roofing product, installed in accordance with the manufacturer's installation instructions.
 2. Exterior walls must be finished with a material manufactured for use as a finish siding product, installed in accordance with the manufacturer's installation instructions.
 3. Crawlspace areas must be enclosed with a weather-resistant rigid material including, but not limited to, vinyl or metal panels, pressure-treated wood, brick, concrete or stone. Any wood in direct contact with the ground must be pressure-treated or a decay-resistant species.
 4. Mobile home installations must comply with the applicable requirements of the *Manufactured Home Installation Standards*, as adopted by the Maine Manufactured Housing Board.
 5. Modular home foundations must comply with the applicable requirements of the MUBEC.
- 9.4 No mobile home may be structurally altered or expanded, or have any additional structural load bearing upon it unless such alteration, expansion or load has been approved by the mobile home manufacturer, or unless the owner agrees in writing that:
1. They understand that any structural change to a mobile home, unless it is approved by the manufacturer, voids the applicable Federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;
 2. They understand that a mobile home that is not compliant with the applicable Federal certification before a proposed structural change, may contain structural deficiencies that could be exacerbated by the structural change;
 3. They understand that a mobile home that has been structurally changed without approval from the manufacturer is subject to the limitations of Appendix K Section 13.6.7.4; and
 4. They understand that the issuance of a permit for a structural change to a mobile home does not in any way cause the town to become liable for any structural defects or property damage that may occur.

SECTION 10 MISCELLANEOUS REGULATIONS

- 10.1 A fence meeting the requirements of this section must be erected and maintained around every swimming pool. A dwelling house or accessory building may be used as part of this enclosure.
- 10.1.1 The top of the fence must be at least 4 feet above grade.

- 10.1.2 No fence may be designed so as to allow or encourage climbing.
- 10.1.3 Access gates, when provided, must be as high as the fence, self-closing, self-latching, outward swinging and the latch mechanism must be located on the interior side of the gate.
- 10.1.4 Any ladder used for access must be capable of being secured, locked or removed to prevent access.
- 10.1.5 A fence is not required for any portable above-ground swimming pool with a wall height of at least 24 inches above the surrounding ground.

SECTION 11 APPEALS

- 11.1 An aggrieved party may take an administrative appeal from any decision, action or non-action of the CEO to the Bucksport Board of Appeals.
- 11.1.1 An enforcement action may not be appealed.
- 11.2 An application for appeal must be received at the Bucksport Town Office no later than 30 days after the date of the decision, action or non-action being appealed.

SECTION 12 WAIVERS & MODIFICATIONS

- 12.1 The CEO may grant a waiver of any specific requirement of this chapter, provided that:
 - 1. No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;
 - 2. Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and
 - 3. The health, safety and welfare of the public are protected.
- 12.2 The following requirements of this chapter may not be waived:
 - 1. Required applications and permits
 - 2. Fees
 - 3. Any requirement of a state code, regulation or rule
- 12.3 The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.
- 12.4 The permit must include a description of any granted waiver and its date of approval.
- 12.5 The CEO may grant modifications of code compliance requirements as provided for in the MUBEC.

SECTION 13 ENFORCEMENT

- 13.1 A stop work order may be issued by the CEO in accordance with the requirements of the MUBEC and for any violation of this chapter. A stop work order must be in writing and given to the property owner, their agent or the person doing the work.
- 13.2 The CEO shall enforce violations of this chapter by providing a written Notice of Violation to the property owner and violator, if different. Such notice shall include, but not be limited to, the following information:
 - 1. Name and address of the property owner/violator
 - 2. Location of the property, and map and lot number
 - 3. Date that the violation was observed

4. Description of the violation
 5. Corrective order and time allowed to comply
 6. Penalty statement
 7. Date of the notice and the CEO's signature.
- 13.2.1 Notice of Violations shall be delivered via United States Mail. When delivery is not accepted, in hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- 13.2.2 When compliance with the corrective order of the Notice of Violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.
- 13.3 The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the Town Council.
- 13.3.1 The Town shall seek penalties and fees in accordance with the provisions of Title 30-A §4452 for any enforcement action taken to District Court.

SECTION 14 DEFINITIONS

Accessory Structure: A structure serving or intending to serve a use that is subordinate and incidental to the principal use of the property, and which is not attached to the principal structure.

Alteration: A physical change to a building including:

- the removal or construction of partitions to alter or rearrange floor space,
- the removal or installation of interior stairways,
- the installation or relocation of kitchens or bathrooms,
- the installation or replacement of masonry fireplaces or chimneys,
- the installation or replacement of a foundation,
- the replacement or enclosure of decks or porches, or
- the installation or alteration of dormers or roof framing.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. Any one and two-family dwelling or portion thereof, including townhouses, that is used or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

CEO: The Code Enforcement Officer and Plumbing Inspector for the Town of Bucksport.

Compact Area: Any property in Bucksport that is within the public water or public sewer service area.

Enlargement: An extension or increase in floor area or height of a building or structure. An addition.

Finish Roofing: Any building product specifically designed for finish weather protection on a building roof including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

Finish Siding: Any building product specifically designed for finish weather protection on a building's exterior wall surface including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

Foundation: The supporting substructure of a building or other structure including, but not limited to: basements, frostwalls, concrete slabs, gravel pads, sills, or posts.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to its building site. Two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, that 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, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that 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, or electrical systems contained in the unit.

Also included is any structure that meets all the requirements of this paragraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States 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.

2. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that 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 or electrical systems contained in the unit.

Mobile Home: See "Manufactured Housing"

Modular Home: See "Manufactured Housing"

MUBEC: The Maine Uniform Building and Energy Code, as adopted by the State of Maine.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by the court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Pet Shelter: A structure designed and used solely for the purpose of providing protection from the elements for dogs, cats or other domestic animals kept as pets.

Principal Structure: A structure that is occupied or utilized for the primary or main use of the property on which it is located.

Seasonal Swimming Pool: An above-ground swimming pool that is either disposable or designed to be deflated or disassembled for storage upon completion of its use each year.

Structure: That which is built or constructed.

REPEALED CONTENT

Chapter 5 Building Standards and Property Maintenance

Table of Contents

	Page
Article 1 Administration:	
Section	
5-101 Title	03
5-102 Purpose	03
5-103 Authority	03
5-104 Definitions	03
5-105 Violations and Penalties	06
5-106 Right of Appeal	06
5-107 Permits	06
5-108 Fees	07
5-109 Plans	08
5-110 Inspection	08
5-111 Certificate of Occupancy	09
5-112 Validity	09
5-113 Effective Date	09
 Article 2 Building Planning:	
5-201 Lot	09
5-202 Structure	09
5-203 Utilities	10
 Article 3 Construction Standards:	
5-301 Foundations	10
5-302 Framing	10
5-303 Exterior	10
5-304 Chimneys, Vents, Fireplaces and Solid Fuel Burning Appliances	11
5-305 Plumbing	11
5-306 Electrical	11
5-307 Egress and Fire Protection	11
5-308 Mobile Homes	11
5-309 Oil Tanks	13
5-310 Swimming Pools	13

Article 3A Demolition Standards:

5-3.1	Screening and Security	13
5-3.2	Lighting	14
<hr/>		
5-3.3	Noise	14
5-3.4	Smoke and Dust	14
5-3.5	Vibration	14
5-3.6	Wastes	14
5-3.7	Fire and Building Safety	14
5-3.8	Utility Protection	14
5-3.9	Environmental Hazards	14
5-3.10	Site Stabilization	14
5-3.11	Hours of Operation	15
5-3.12	Traffic Safety	15

Article 4 Property Maintenance:

5-401	Exterior Property	15
5-402	Exterior of Structure	15
5-403	Interior of Structure	16
5-404	Refuse and Garbage	16
5-405	Light and Ventilation	16
5-406	Plumbing	16
5-407	Mechanical and Electrical	17

Article 5 Dangerous Premises:

5-501	Dangerous Building or Property	17
-------	--------------------------------	----

Article 6 Nuisances 17**Article 7 Enforcement:**

7-701	Notice of Violation	18
-------	---------------------	----

Chapter 5 Building Standards and Property Maintenance

Article 1 — Administration

~~5-101 Title:~~

~~5-101.1 — These regulations shall be known as the Building Standards and Property Maintenance Ordinance of the Town of Bucksport, hereinafter referred to as “this Ordinance.”~~

~~5-102: Purpose:~~

~~5-102.1 — The purpose of this Ordinance is to provide minimum building construction, property maintenance and demolition standards to protect the environment and the health, safety and welfare of the public insofar as they may be affected by the use or occupancy of any structure or property, and to provide administration, enforcement and penalties.~~

~~5-103: Authority:~~

~~5-103.1 — The Building Inspector is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this Ordinance.~~

~~5-103.2 — The standards referenced in this Ordinance shall be considered part of the requirements of this Ordinance. If differences occur between the provisions of the standards and this Ordinance, the more restrictive provisions shall apply.~~

~~5-103.3 — The Municipal Officers shall have the authority to require an environmental site assessment and a performance bond for any activity subject to permitting by this Ordinance when deemed necessary to ensure adequate protection of the environment and the health, safety and welfare of the public.~~

~~5-104: Definitions:~~

~~Accessory Structure — A structure serving or intending to serve a use that is subordinate and incidental to the principal use of the property, and which is not attached to the principal structure.~~

~~Barrier — A stockade or other type of solid fence, or hedge of shrubs or trees, any of which is of sufficient density and height to shield an object from ordinary view, as may be required by this Ordinance.~~

~~Building — A principal or accessory structure, either prefabricated or constructed on site.~~

~~Building Inspector — Code Enforcement Officer.~~

~~Commercial Hauler — One who is in the business of emptying or moving solid waste containers.~~

~~Compact Area — Any area in Bucksport served by public water or public sewer.~~

~~Demolition: The intentional partial, or complete destruction of a structure by manual or mechanical force, deflagration, or detonation.~~

~~Dwelling Unit — A room or group of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.~~

~~Exterior Property—The open space on the premises and on adjoining property under the control of owners or operators of such premises.~~

~~Floor Area—The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, as measured from the exterior of the structure, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.~~

~~Foundation—The supporting substructure of a building or other structure including, but not limited to: basements, concrete slabs, gravel pads, sills, posts, or frostwalls.~~

~~Garbage—The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~

~~Good Repair—In a serviceable condition; free of structural defects, decay or deterioration; functioning as intended or designed.~~

~~Landing—A level part of a stairway at the top or bottom of a run of stairs that serves as a place to enter or exit the stairway, and no other purpose.~~

~~Manufactured Housing—A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to its building site. Two types of manufactured housing are included. Those two types are:~~

- ~~3. Those units constructed after June 15, 1976, commonly called “newer mobile homes”, that 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, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that 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, or electrical systems contained in the unit.~~

~~Also included is any structure that meets all the requirements of this paragraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States 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~~

- ~~4. Those units commonly called “modular homes” that the manufacturer certifies are constructed in compliance with Title 10, chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that 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 or electrical systems contained in the unit.~~

~~Mobile Home—See “Manufactured Housing”~~

~~Modular Home—See “Manufactured Housing”~~

~~Multifamily Housing—A building containing more than two dwelling units.~~

~~Non-Conforming—A lot, building, structure, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to any applicable provision of this Ordinance.~~

Nuisance—Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attraction, especially to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences;
3. Any premises that has unsanitary sewer or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises that is unsanitary, or that is littered with refuse or garbage;
7. Any structure that is in a state of dilapidation, deterioration, decay; faulty construction; overcrowded; open and vacant or abandoned; damaged by fire to the extent that it can not provide safe and suitable shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

Occupant—Any person living or sleeping in a building; or having possession of a space within a building.

Owner—Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by the court.

Permit—An official document issued by the Code Enforcement Officer that grants approval for a property owner or authorized agent of the property owner to conduct an activity on a specific parcel of land for a specific purpose, as described therein.

Person—An individual, corporation, partnership or any other group acting as a unit.

Premises—A lot, plot or parcel of land including any structures thereon.

Principal Structure—A structure that is occupied or utilized for the primary or main use of the property on which it is located.

Public Accommodation—Any establishment that offers its goods, facilities or services to the public, or solicits or accepts patronage from the general public.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home.

Refuse—Combustible and noncombustible waste materials, except garbage.

Renovation—Removal or installation of interior floor, wall or ceiling framing, exterior floor, wall or roof framing, or any load-bearing structural components inside or attached to an existing structure.

Seasonal Use—Occupancy of a structure or recreational vehicle as temporary living quarters, not to exceed 7 months in any calendar year.

Suitable Roofing Material—Any building product specifically designed for finish weather protection on a building roof including, but not limited to, asphalt shingles, fiberglass shingles, rolled roofing, slate shingles, or wood shingles.

Suitable Siding Material—Any building product specifically designed for finish weather protection on a building's exterior wall surface including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco or composite materials.

~~Structure~~—Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including prefabricated and built on-site buildings, manufactured housing, carports, porches, and other building features, including chimneys, fireplaces, stacks for industrial purposes, and commercial antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

~~Substantial Start~~—Completion of thirty percent of the estimated cost for the permitted project.

~~Swimming Pool~~—An outdoor artificial receptacle or other container, whether in or above the ground, permanently installed, used or intended to be used to contain water for swimming or bathing.

~~5-105: Violations and Penalties:~~

~~5-105.1~~—No person, firm or corporation shall erect, construct, install, enlarge, renovate, maintain, remove or demolish any structure, or cause the same to be done, in a manner contrary to any requirement of this Ordinance.

~~5-105.2~~—A person, firm or corporation that violates any of the provisions of this Ordinance is liable for the penalties as set forth in 30-A, M.R.S.A. § 4452 (3)B.

~~5-106: Right of Appeal~~

~~5-106.1~~—An aggrieved party may take an appeal from any decision of the Building Inspector to Superior Court in accordance with State laws within thirty days from the date of the decision being appealed.

~~5-107: Permits~~

~~5-107.1~~—A permit shall be required prior to beginning construction, erection, installation, renovation, or demolition of any structure, except as otherwise allowed. A permit shall be required to relocate a mobile home on the same property.

~~5-107.1.1~~—A permit may not be issued until the requirements of Section 5-201.3 and 5-201.4 have been met, if applicable.

~~5-107.1.2~~—A permit may not be issued to demolish any structure until all real estate taxes due for that structure have been paid in full.

~~5-107.1.3~~—A permit may not be issued to demolish any structure used to house equipment assessed with a personal property tax until all personal property taxes due for the equipment have been paid in full. This requirement shall apply whether or not the equipment is located in the structure when a permit application is submitted.

~~5-107.2~~—Application for permit shall be made on forms provided by the town. Review of permit applications shall be made by the Building Inspector who shall, within 15 days of receipt, provide written notification to the applicant that the application has been approved, the application is incomplete and requires additional information, or the application has been denied. An incomplete application shall be denied if all additional information is not submitted within 45 days of the date of receipt of the application, except that the Building Inspector, when reasonable to do so, may grant additional time that may be needed to prepare submissions.

~~5-107.3~~—A permit to install a mobile home previously located in another municipality may not be issued until proof of property tax payment from the other municipality has been submitted to the Building Inspector. A permit to install any new manufactured housing purchased from other than a dealer licensed by the State with a sales tax

certificate, may not be issued until a bill of sales or other proof of sales tax payment has been submitted to the Building Inspector.

~~5-107.4~~ A permit is not required for ordinary repairs and property maintenance, including, but not limited to, window and door improvements, roofing and siding replacements and repairs, painting, drywall installation, kitchen and bath improvements, fences.

~~5-107.4.1~~ A permit is not required for the demolition of any of the following structures:

- ~~1.~~ A residential accessory structure.
- ~~2.~~ A commercial or noncommercial accessory structure with less than 500 square feet of floor area.
- ~~3.~~ A structure subject to enforcement pursuant to Article 5 or Article 6 of this Ordinance.
- ~~4.~~ A structure with no floor area.
- ~~5.~~ A structure owned by the town of Bucksport.
- ~~6.~~ A mobile home.

~~5-107.5~~ A plumbing permit shall be required for the installation or replacement of all water distribution and drainage pipes, hot water storage tanks, hot water heaters, new faucets, valves and plumbing fixtures, in accordance with the State of Maine Internal Plumbing Rules.

~~5-107.6~~ A municipal electrical permit is not required for electrical installations. The acquirement of any necessary State electrical permits shall be the responsibility of the property owner or authorized agent.

~~5-107.7~~ A permit is not required to temporarily install structures providing storage and office space at a construction site. Such structures shall be removed within 30 days from the date of final inspection or issuance of certificate of occupancy, if required.

~~5-107.8~~ A permit is not required to park or store a recreational vehicle on any property or in an established campground, provided that its tires remain on the ground, its use is limited to seasonal occupancy, and septic waste disposal is in accordance with the State of Maine Plumbing Rules.

~~5-107.09~~ A permit for a new structure shall expire one year from date of issue unless a substantial start has occurred, in which case the permit shall be valid until the project is completed.

~~—————~~ The Code Enforcement Officer may authorize a one time, one year extension to the life of an issued permit provided that a \$25.00 permit extension fee is submitted to the town. Projects that have not begun within two years of the date of the initial permit, shall be subject to a new review and permit process in accordance with Section 5-107, and a fee in accordance with Section 5-108.

~~5-107.10~~ Permits for new construction and occupancies shall be displayed on the property in a location visible from a public way until such time the project has been completed and all required inspections and approvals have been obtained.

~~5-107.11~~ A stop work order may be issued by the Building Inspector when construction or demolition is found to be inconsistent with the permit description or in violation of any town ordinance or State law. A placard identifying the stop work order shall be attached to the property. Enforcement of the violation shall be made in accordance with Article 7 of this Ordinance.

5-108—Fees:

- ~~5-108.1~~ A permit shall not be valid until the town has received payment of the required fee. Submitted permit fees shall be refunded when an application has been either withdrawn or denied. Permit fees shall not be refunded when a permit is revoked by the Building Inspector, or when the permittee either chooses not to exercise the rights granted by the permit or otherwise fails to begin the permitted project prior to the expiration date of the permit.
- ~~5-108.2~~ When the fee is based on square footage, all exterior and interior floor area of the new structure shall be included. Basement floor area shall be included only when proposed as living space. Permit fees for renovations shall be based on the total square footage of the affected floor area. If no floor area is affected, as for example, when the project only involves structural changes to exterior walls or roofs, the minimum permit fee shall be charged.

~~5-108.3~~ The fee schedule shall be established as follows:

Minimum permit fee: _____ \$25.00

For any permitted use:

new structures or additions to existing structures _____

\$.10/sq. ft. for first 5,000 sq. ft. of floor area

\$.03/sq. ft. for floor area in excess of 5,000 sq. ft. _____

interior renovations _____ \$.05/sq. ft.

accessory structures _____ \$.05/sq. ft.

Swimming Pools: _____ \$25.00

Demolition: _____ \$25.00 per structure

- ~~5-108.4~~ A late fee shall be added to the required permit fee when work is started without a valid permit. The late fee shall be determined as follows: for permit fees up to \$250.00, the late fee shall be \$25.00; for permit fees greater than \$250.00, the late fee shall be 10% of the permit fee. For the purposes of this section, start of work shall include the installation of foundations or foundation forms; the construction, installation or renovation of any structure, either in whole or in part; or the demolition of a structure subject to the requirements of Section 5-107.1.

~~5-109 Plans:~~

- ~~5-109.1~~ For all projects involving new construction, renovations or demolition, plans drawn to scale shall be submitted with the permit application. The submissions shall be of sufficient clarity to indicate the nature and extent of the project proposed, and shall show in detail that it will conform to the provisions of this Ordinance and any relevant rules, regulations and laws. The Building Inspector may waive the requirement for plans drawn to scale when such plans are unnecessary to conduct a complete and sufficient application review.

5-110 Inspection

- 5-110.1 The Building Inspector is authorized, with permission from the property owner or authorized agent, to enter at reasonable times any building, structure or premises to perform the duties required by this Ordinance.
- 5-110.2 The property owner or authorized agent shall notify the Building Inspector when work is ready for inspection. Such notice must be given at least 24 hours in advance. No work may be covered until such time inspection has been completed and approval is given by the Building Inspector.
- 5-110.3 Foundation perimeter drainage systems for buildings served by public sewer shall be inspected.
- 5-110.4 Wood framing installations shall be inspected.
- 5-110.5 Masonry installations shall be inspected.
- 5-110.6 All new structures and renovations shall be inspected upon completion.

5-111 Certificate of Occupancy

- 5-111.1 No new building or building addition constructed on site and intended for human occupancy may be so occupied until a Certificate of Occupancy has been issued by the Building Inspector in accordance with Title 25, MRSA, §2357 and the requirements of this Ordinance.
- 5-111.2 A Certificate of Occupancy may not be issued until the Building Inspector has completed required inspections and determined that the new building or building addition is in compliance with all applicable requirements of this Ordinance.

5-112 Validity

- 5-112.1 If for any reason any one or more sections or parts of this Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions.

5-113 Effective Date

- 5-113.1 The effective date of this Ordinance shall be April 8, 2000

Article 2 Building Planning**5-201 Lot**

- 5-201.1 Site improvements on any property shall comply with the requirements of this Ordinance, and any other applicable municipal, state or federal rule, law or regulation.
- 5-201.2 Demolitions on any property shall comply with the requirements of this Ordinance, and any other applicable municipal, state or federal rule, law or regulation.
- 5-201.3 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an environmental site assessment of a property where a site improvement or demolition is proposed, if that property is occupied or was previously occupied with a commercial land use involving the use, handling or disposal of hazardous substances, petroleum products, special wastes, hazardous wastes, or similar types of materials. If environmental hazards are identified, a remediation plan approved by the Town Council shall be required.

- ~~5-201.4~~ To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an irrevocable letter of credit or a performance bond to guarantee the satisfactory completion of the removal of identified environmental hazards on a property where a site improvement or demolition has been proposed. An irrevocable letter of credit or a performance bond may also be required to guarantee the satisfactory completion of the removal of demolished structures and site restoration. Whenever the demolition or removal of material is reasonably anticipated to exceed 1,000 cubic yards, an irrevocable letter of credit or performance bond shall be required to guarantee the activities described in this paragraph 5-201.4.
- ~~5-201.4.1~~ If required, an irrevocable letter of credit or a performance bond shall be issued in an amount equivalent to 110% of the cost to complete all required remediation and permitted demolition work.

~~5-202 Structures~~

- ~~5-202.1~~ Structures intended for public accommodation, manufacturing facilities, places of employment or residential occupancy are subject to regulation by State or Federal Laws as may be applicable, and by this Ordinance.
- ~~5-202.2~~ Chimney, vent and fireplace installations are subject to regulation by the State of Maine Department of Public Safety as applicable, and by this Ordinance.
- ~~5-202.3~~ Manufactured structures are subject to regulation by the United States Department of Housing and Urban Development, the State of Maine Manufactured Housing Board and by this Ordinance.
- ~~5-202.4~~ Structures intended for public accommodation, places of employment and multifamily housing are subject to regulation by the Maine Human Rights Act and the American with Disabilities Act.
- ~~5-202.5~~ Protective barriers for outdoor swimming pools, hot tubs and spas are subject to regulation by Title 22, MRSA, § 1631, et seq., and this Ordinance.

~~5-203 Utilities~~

- ~~5-203.1~~ Structures with plumbing fixtures are subject to regulation by the State of Maine Plumbing Rules, Chapter 9 of the Bucksport Town Code, and this Ordinance.
- ~~5-203.2~~ Electrical installations and appliances are subject to the State of Maine Electrician's Examining Board regulation as applicable, and by this Ordinance.
- ~~5-203.3~~ Gas installations and appliances are subject to the State of Maine Propane and Natural Gas Board regulation.
- ~~5-203.4~~ Oil and solid fuel installations and appliances are subject to the State of Maine Oil and Solid Fuel Board regulation, and by this Ordinance.

Article 3 Construction Standards

~~5-301 Foundations~~

- ~~5-301.1~~ Basement foundations shall be provided with a perimeter drainage system installed at or below the elevation of the area to be protected and such system shall discharge ground water by gravity or mechanical means into an approved storm drain or other appropriate means of discharge.
- ~~5-301.1~~ Foundation drainage systems shall be installed in accordance with Chapter 9, Sewers and Drains, Section 9-410.

~~5-302 Framing~~

~~5-302.1 All framing and sheathing material shall be structurally sound, free from rot and decay, and installed in a manner consistent with standard construction trade practices.~~

~~5-303 Exterior~~

- ~~5-303.1 Roofs finished with wood shingles in the Compact Area may be repaired with like material when such repairs are minor, but may not be replaced with like material when the intent of such replacement is to provide a new roof finish.~~
- ~~5-303.2 The exterior wall surfaces of all structures in the Compact Area shall be suitable siding material. The exterior roof surfaces of all structures in the Compact Area shall be suitable roofing material.~~
- ~~5-303.3 Underlayment products including, but not limited to, building paper and roofing felt, and plastic sheeting or tarpaulin shall not be considered suitable siding or roofing material for structures in the Compact Area. Temporary use of these items in lieu of suitable siding or roofing material shall not exceed one year. The Code Enforcement Officer may grant an extension of up to one additional year provided that the material being used is adequately fastened to the structure, free from defect or degradation, and provides adequate weather protection.~~
- ~~5-303.4 In no case shall a structure designed for human occupancy be so occupied without a suitable roofing material properly installed on all roof surfaces.~~

~~5-304 Chimneys, Vents, Fireplaces and Solid Fuel Burning Appliances~~

- ~~5-304.1 All new and existing chimney, vent, fireplace and solid fuel burning appliance installations shall meet the requirements set forth in *NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances*, current edition as adopted by the State of Maine.~~
- ~~5-304.2 Installers of chimneys or fireplaces shall complete a *State of Maine Chimney or Fireplace Construction/Installation Disclosure* form and deliver a copy of said form to the consumer in accordance with Title 32 M.R.S.A., §2313 A, and also to the Building Inspector.~~

~~5-305 Plumbing~~

- ~~5-305.1 All structures utilized for year round residential occupancy shall have at least one toilet, wash basin and bathing facility with heated water within each dwelling unit.~~
- ~~5-305.2 Structures used for year round residential occupancy shall have pressurized water service.~~

~~5-306 Electrical~~

- ~~5-306.1 When an electrical installation in a new residential principal structure is performed by other than a licensed master electrician, the Building Inspector shall require written certification from a licensed master electrician or qualified electrical inspector, verifying that the electrical installation has been inspected and is in compliance with the National Electrical Code as adopted, before a Certificate of Occupancy may be issued.~~

~~5-307 Egress and Fire Protection~~

- ~~5-307.1~~ All egress and fire protection requirements in structures utilized for human occupancy or use shall comply with the *NFPA 101, Life Safety Code*, current edition as adopted by the State of Maine.
- ~~5-307.2~~ The dimensional requirements for stairs, landings, ramps, guards and handrails in one and two family dwellings may be modified if their application clearly would be impractical in the judgment of the Building Inspector, but only where it is clearly evident that a reasonable degree of safety is provided.

~~5-308 Mobile Homes~~

- ~~5-308.1~~ A permit to install a mobile home constructed before June 15, 1976, or otherwise without a permanently affixed label certifying compliance with HUD construction and safety standards, shall not be issued until written certification from a qualified professional has been provided to the Building Inspector verifying that:
- ~~1.~~ the electrical conductors and equipment installation within or on the home are safe and meet the National Electrical Code at the time the home was constructed. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory requirements for connecting to branch circuits of 30 amps or less.
 - ~~2.~~ the heating and fuel system is in a safe condition and meets the requirements of *NFPA 31 Installation of Oil Burning Equipment*, as adopted by the State of Maine Oil and Solid Fuel Examining Board.
 - ~~3.~~ all plumbing, fixtures, drains, appurtenances and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner consistent with the State of Maine Plumbing Rules, and that all piping and fixtures subject to freezing temperatures are insulated or protected to prevent freezing under normal occupancy.
 - ~~4.~~ the structure contains at least two exterior egress doors at least 28 inches wide and separated by at least 12 feet as measured in a straight line. No egress door shall be more than 35 feet from a bedroom door.
 - ~~5.~~ every bedroom in the structure contains a second means of escape which is either an exterior door or a window providing a 5.7 sq. ft. clear opening with no less than 20 inches in width and 24 inches in height. The bottom of the opening is no more than 44 inches above the floor.
 - ~~6.~~ a U.L. approved smoke detector permanently connected to a general electrical circuit is installed in accordance with manufacturer's recommendations in each bedroom and in the hallway adjacent to each bedroom.
 - ~~7.~~ the bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range are protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops are protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood is supported by the hood. A 3/8 inch enclosed air space is provided between the bottom surface of the

cabinet and the gypsum board or equivalent material. The hood is at least as wide as the cooking range. The metal hood is not required if there is an oven installed between the cabinet and the range. Ranges have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

8. ~~carpeting is not used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.~~

9. ~~all floors are of solid construction and free from rot or decay.~~

~~5-308.2 All mobile homes installed after the effective date of adoption of this Ordinance or amendment thereto, shall meet the following design criteria:~~

~~5-308.2.1 A pitched roof shall be installed in accordance with the manufacturer's installation design requirements. The roof shall be no less than a 2-inch rise to 12-inch run pitch, and shall be finished with asphalt shingles.~~

~~Exception: Mobile homes installed in an approved mobile home park shall not be required to have a pitched roof.~~

~~5-308.2.2 Exterior siding shall be residential in appearance utilizing suitable siding material.~~

~~5-308.2.3 Perimeter skirting shall be installed.~~

~~5-308.2.4 Installation of the mobile home shall comply with applicable requirements of the *Manufactured Home Installation Standard*, as adopted by the Maine Manufactured Housing Board.~~

~~5-308.3 No mobile home or any other manufactured structure shall be used for any purpose other than that for which it was originally designed.~~

~~Exception: A mobile home may be modified for use as a smoke exposure training facility for fire department personnel.~~

~~5-308.4 No mobile home shall be temporarily or permanently stored, or abandoned on any property.~~

~~5-308.5 After the effective date of adoption of this Ordinance or amendment thereto, any mobile home, located on any property in the town of Bucksport, that was constructed before June 15, 1976, or is without a permanently affixed label certifying compliance with HUD construction and safety standards, may not be offered for rent, lease, or occupancy until the Building Inspector has received written certification from a qualified professional stating that the mobile home meets the standards set forth in Section 5-308.1 of this Ordinance. This section shall not apply to mobile homes duly rented, leased or otherwise occupied on the above referenced date until such time the rental, lease or occupancy is terminated.~~

~~5-309 Oil Tanks~~

~~5-309.1 All oil supply tanks shall be installed in accordance with the requirements set forth in Chapter 9 of the *State of Maine Oil and Solid Fuel Board Laws and Rules*, current edition as may be amended.~~

~~5-310 Swimming Pools~~

~~5-310.1 Outdoor residential swimming pools and permanently installed hot tubs and spas shall be enclosed with a fence meeting the following minimum requirements:~~

~~1. the top of the fence shall be at least 4 feet above grade as measured on the side opposite to the pool, tub or spa;~~

- ~~2. no opening within or below the fence shall exceed 4 inches in width;~~
- ~~3. no fence shall be designed so as to allow or encourage climbing;~~
- ~~4. access gates, when provided, shall be as high as the fence, self closing, self latching, outward swinging and the latch mechanism shall be located on the interior side of the gate.~~

~~Exception: Seasonally installed swimming pools, spas and hot tubs with walls at least 2 feet high.~~

- ~~5-310.2 When the wall of an above ground pool is a least 4 feet high and a ladder is used for access, the ladder shall be capable of being secured, locked or removed to prevent access.~~

Article 3A Demolition Standards

5-3.1 Screening and Security

- ~~5-3.1.1 Demolitions must be screened from view to the greatest practical extent from any public street, public recreational area, and navigable waters. This requirement may be waived by the Building Inspector for demolitions of short duration, or when site constraints make the installation of screening impractical or unreasonable.~~
- ~~5-3.1.2 Adequate measures must be taken to prevent unauthorized entry into any demolition site containing or suspected of containing environmental hazards, unsanitary conditions or other risks to the public health and safety.~~

5-3.2 Lighting

- ~~5-3.2.1 Exterior lighting required for any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.17.~~

5.3.3 Noise

- ~~5.3.3.1 Noise from demolition activity involving the use of crushers, blasting or similar high-decibel generating equipment is subject to compliance with the applicable Maine Department of Environmental Protection noise regulations in Chapter 375.10.~~

5.3.4 Smoke and Dust

- ~~5.3.4.1 Smoke and dust from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.21.~~

5.3.5 Vibration

- ~~5.3.5.1 Vibration from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.22.~~

5.3.6 Wastes

- ~~5.3.6.1 The disposal of all debris and other wastes from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.27.~~
- ~~5.3.6.2 Universal wastes must be recycled in accordance with state law.~~
- ~~5.3.6.3 Burial of demolition debris must be conducted in accordance with state law.~~

~~5.3.6.4~~ — Burning of demolition debris may only be conducted with permission from the Fire Department.

~~5.3.7~~ — **Fire and Building Safety**

~~5.3.7.1~~ — Demolitions are subject to compliance with all applicable fire, safety and building codes.

~~5.3.8~~ — **Utility Protection**

~~5.3.8.1~~ — Any utility connection to a public system must be appropriately terminated and disconnected prior to the commencement of any demolition affecting such connection.

~~5.3.8.2~~ — Abandoned septic tanks are subject to compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

~~5.3.9~~ — **Environmental Hazards**

~~5.3.9.1~~ — Demolitions may not cause the pollution or contamination of soils, water or air with any hazardous material. Removal of hazardous materials is subject to compliance with applicable state or federal rules, laws and regulations.

~~5.3.10~~ — **Site Stabilization**

~~5.3.10.1~~ — All holes in the ground remaining after the removal of below ground structures must be filled with appropriate backfill material, except when new construction is permitted for the site.

~~5.3.10.2~~ — All disturbed soils must be graded to provide proper drainage, and stabilized in accordance with best management practices for erosion and sedimentation control.

~~5.3.11~~ — **Hours of Operation**

~~5.3.11.1~~ — Demolition and any related activity including, but not limited to, crushing, compacting, sorting, moving, loading or removing demolished material, and truck traffic to and from a demolition site, may only be conducted between the hours of 7:00AM and 7:00PM, Monday through Friday. This section shall not apply to activities listed in paragraph 5-107.4.1.

~~5.3.12~~ — **Traffic Safety**

~~5.3.12.1~~ — No trucks or equipment may be parked or stored on any public street, except as may be temporarily necessary to do so for loading or unloading purposes.

~~5.3.12.1~~ — Appropriate measures must be taken to prevent the accumulation of mud or debris on a public street from trucks exiting a demolition site.

Article 4 — Property Maintenance

~~5-401~~ — **Exterior Property**

~~5-401.1~~ — All fences and barriers shall be kept in good repair.

~~5-401.2~~ — No automobile graveyard or junkyard shall be allowed except those meeting the requirements of Appendix J, Ordinance to Regulate Automobile Graveyards and Junkyards.

- ~~5-401.3~~ No unservicable, discarded, worn-out or junked motor vehicle or parts thereof shall be allowed on any property in the Compact Area except in an approved junkyard or auto repair business.
- ~~5-401.4~~ Surface water run-off and subsurface drainage shall be contained or diverted to the extent necessary to prevent a concentrated flow of water to enter any public street or sidewalk, except as may be approved by the Public Works Director.

~~5-402 Exterior of Structure~~

- ~~5-402.1~~ All exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches and balconies shall be structurally sound and maintained in good repair.
- ~~5-402.2~~ All projections such as awnings, signs, fire escapes and ductwork shall be properly anchored and maintained in good repair.
- ~~5-402.3~~ All exterior wall and roof surfaces of any structure used for human occupancy shall be protected so as to prevent wind, rain and snow penetration.
- ~~5-402.4~~ All doors and windows shall be kept in good repair.
- ~~5-402.5~~ All roof and foundation drainage installations shall be kept in good repair, free of obstructions, and discharge water so as to prevent erosion, sedimentation or entry on to any public street or sidewalk, except as may be approved by the Public Works Director.
- ~~5-402.6~~ Basement foundations shall be enclosed so as to prevent entry of vermin.
- ~~5-402.7~~ Existing and new structures located within 10 feet from the edge of a public right-of-way shall be provided with suitable snow and ice guards or barriers, when necessary, to prevent snow or ice from falling into the public right-of-way.
- ~~5-402.8~~ Paint applied to the exterior of any structure is not subject to the maintenance requirements of this section.

~~5-403 Interior of Structure~~

- ~~5-403.1~~ All interior walls, floors and ceilings shall be kept in good repair and sanitary.
- ~~5-403.2~~ Public areas in multi-family structures shall be kept clean, safe and sanitary.
- ~~5-403.3~~ All peeling or flaking lead-bearing paint in childcare facilities, including home daycare facilities, shall be removed or covered in an approved manner.
- ~~5-403.4~~ Except as provided for in Section 5-403.3, paint applied to the interior of any structure is not subject to the maintenance requirements of this section.

~~5-404 Refuse and Garbage~~

- ~~5-404.1~~ The exterior property and interior of every structure shall be free from an accumulation of refuse or garbage of any type, such accumulation being with or without containment, except as otherwise allowed in this section.
- ~~5-404.2~~ All refuse and garbage shall be stored in a sanitary manner in receptacles intended for such disposal. Storage of refuse or garbage on any property shall not, at any time, cause attraction of vermin or emit foul odor.
- ~~5-404.3~~ Refuse and garbage receptacles shall be screened from ordinary view when visible from the Waterfront Walkway, Main Street or Route 1, with the following conditions:
- ~~1.~~ Screening shall only be required when the total capacity of the receptacle or combination of receptacles located on the property is one cubic yard or greater.

2. ~~Screening shall be a barrier as defined by this Ordinance, or a building. The method chosen to accomplish the screening shall be approved by the Building Inspector prior to its installation.~~
3. ~~The property owner or authorized agent shall be responsible for properly maintaining the screening.~~
4. ~~Screening shall not be required for refuse containers temporarily placed on a property to collect demolition debris or construction waste originating from that property only.~~

~~For the purposes of this section, Main Street shall include the public right-of-way between the Champion Mill main gate and the Verona Island bridge. Route One shall include the public right-of-way between the Verona Island bridge and the Orland town line. The Waterfront Walkway shall include the existing paved sidewalk adjacent to the Penobscot River and future expansions of the walkway.~~

- 5-404.4 ~~Refuse and garbage receptacles in the Compact Area shall not be emptied or moved on or off site by a commercial hauler between the hours of 10:00 p.m. and 7:00 a.m. on any day.~~

5-405 Light and Ventilation

- 5-405.1 ~~In multifamily buildings adequate artificial lighting shall be provided and maintained in halls and stairways serving as access to building exits.~~
- 5-405.2 ~~Vents serving clothes dryers shall be independent of other vents and shall terminate at the exterior of the building.~~

5-406 Plumbing

- 5-406.1 ~~All interior plumbing and septic system installations shall be maintained in a sanitary and operational condition, and in accordance with State Plumbing Rules.~~

5-407 Mechanical and Electrical

- 5-407.1 ~~All mechanical and electrical equipment in use on any property shall be maintained in good working order.~~

Article 5 — Dangerous Premises

5-501 Dangerous Building or Property

- 5-501.1 ~~A building or property is deemed to be dangerous if, in the judgment of the Building Inspector, it presents a serious threat to life from any of the following conditions:~~
1. ~~structural failure;~~
 2. ~~fire, explosion or toxic gases;~~
 3. ~~poisonous contamination or biological infection of water, air or the physical environment;~~
 4. ~~any use or condition of the building or property from which death or physical injury to the occupants or public could be reasonably expected if occupancy of or entry to the building or property is allowed to continue after inspection by the Building Inspector.~~
- 5-501.2 ~~The Building Inspector shall order occupants of any dangerous premises to immediately vacate and not reoccupy the premises until it is made safe.~~

- ~~5-501.3~~ The Building Inspector shall place a placard of condemnation on dangerous buildings or property, and issue a written order to the owner to immediately secure such building or property to prevent unauthorized entry. If the owner fails to secure their building or property within 5 days of receipt of said order, or when immediate action is required to protect public safety, the Building Inspector shall cause the building or property to be secured and shall take any other necessary protective measures including, but not limited to, installing sidewalk and street barricades, and ordering adjacent structures to be vacated. All expenses incurred by the town to secure the dangerous premises and to assure the public safety affected thereby, shall be repaid to the town by the owner or owners of the dangerous premises within 30 days after demand or a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.
- ~~5-501.4~~ The Building Inspector shall order the owner or authorized agent to remove the dangerous building or make the premises safe within thirty days of the order.
- ~~5-501.5~~ Upon notification by the Building Inspector, the Municipal Officers may, after notice and hearing on the matter, make and record an order prescribing what disposal shall be made of a dangerous building, pursuant to Title 17 MRSA, Subchapter IV, Section 2851, et seq.

Article 6 — Nuisances

- ~~6-601~~ A building or property is deemed to be a nuisance if, in the judgment of the Building Inspector, any of the following descriptions can be applied:
- ~~1.~~ Any physical condition of the premises or its appurtenances considered an attraction, especially to children, resulting in unauthorized, unsupervised or unsafe use, such condition to include, but not be limited to: abandoned wells, shafts, basements, unsecured structures, excavations and fences; or
 - ~~2.~~ Any premises that has malfunctioning or substandard sewer, septic system or plumbing facilities; or
 - ~~3.~~ Any premises designated as unsafe for human habitation; or
 - ~~4.~~ Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or
 - ~~5.~~ Any premises that is unsanitary, or that is littered with refuse or garbage; or
 - ~~6.~~ Any structure that is in a state of dilapidation, deterioration, or decay; faulty construction; open and vacant or abandoned; damaged to the extent so as not to provide shelter.
- ~~6-602~~ The Building Inspector shall order the owner or authorized agent of any building or property deemed to be a nuisance to remove the nuisance within thirty days from the date of the order.
- ~~6-603~~ After the effective date of adoption of this Ordinance or amendment thereto, any rental or commercial property in violation of any provision of this Ordinance may not be offered for rent, lease, or occupancy of any type until the Building Inspector has determined that all violations have been corrected.

Article 7 — Enforcement

7-701 — Notice of Violation

- ~~7-701.1~~ The Building Inspector shall provide a written notice of violation to the property owner and violator, if different. Such notice shall include, but not be limited to, the following information:
- ~~Name and address of the property owner/violator,~~
 - ~~Location of the property, and map and lot number,~~
 - ~~Date that the violation was observed,~~
 - ~~Description of the violation including reference to relevant Ordinance section(s),~~
 - ~~Corrective order and time allowed to comply,~~
 - ~~Penalty statement,~~
 - ~~Appeal statement,~~
 - ~~Date of the notice and the Building Inspector's signature.~~
- ~~7-701.2~~ Notice of violations shall be delivered via United States Mail, certified with return receipt requested, and by regular mail. When delivery is not accepted, in hand delivery shall be made by a local law enforcement officer, or a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- ~~7-701.3~~ When compliance with the corrective order of the Notice of Violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the Building Inspector for a one time extension. An extension may be allowed if a reasonable hardship can be shown.
- ~~7-701.4~~ The Building Inspector may initiate a Rule 80K enforcement action to address violations of this Ordinance when authorized to do so by the Municipal Officials, and when properly certified under Rule 80K by the State Planning Office.

The provisions of Chapter 5 Buildings were originally adopted on January 1, 1930.

The Ordinance was repealed and replaced on June 9, 1994.

The Ordinance was amended November 13, 1997.

The Ordinance was repealed and replaced on March 9, 2000.

The Ordinance was amended on the following dates:

September 28, 2000

July 12, 2001 to add Section 5-307.2

July 31, 2003 to modify Section 5-401.1, to add Sections 5-402.8 and 5-403.4, and to add a definition of "good repair"

May 11, 2006 to delete exemption in section 6-603 pertaining to occupied rental properties

January 8, 2015 to modify Sections 5-102.1, 5-103.2, add Section 5-103.3, add and modify definitions in Section 5-104, modify Section 5-107.1, add Sections 5-107.1.2 and 5-107.1.3, modify Section 5-107.2, add Section 5-107.4.1, modify Sections 5-107.11, 5-108.3, 5-108.4, 5-109.1, 5-201.1, add Section 5-201.2, 5-201.3, 5-201.4 and 5-201.4.1, and add new Article 3A. These changes were adopted as an emergency ordinance effective retroactively on December 30, 2014.

Town Clerk's note: *The amendment to Section 6-603, approved on 5-11-06, was belatedly incorporated in Chapter 5 on August 2, 2007.*

60

THIRD READING: A proposed amendment to Chapter 12 Traffic and Safety to allow overnight parking in designated areas of the Town Office Parking Lot, and to add scooters to the list of toy vehicles prohibited on the town's waterfront walkway. Additional changes have been made after the Second Reading on 7-26-18 to clarify the use of motorized vehicles for mobility assistance. The revised amendment shall read as follows:

Chapter 12 Traffic and Safety

Article 3 Town and School Recreation Areas

SEC. 12-301 Motorized Vehicles Prohibited

~~Except as authorized by this article, no~~ No motorized vehicle of any kind shall be parked or driven on school or Town recreational areas may be operated in town-maintained recreation areas, except in areas designated for motor vehicle use.

SEC. 12-302 Authorized Use by Vehicles

~~The provisions of this article shall not apply to Town and School vehicles that may be required for maintenance of said areas or to School and Town recreational areas that are designated to be parking areas.~~

SEC. 12-303 Determination of Recreation Areas

~~Town and School recreation areas which shall be subject to the restrictions imposed by this article shall be determined by the Department of Parks and Recreation of the Town of Bucksport.~~

SEC. 12-302 Exceptions

1. Town-owned vehicles.
2. Vehicles granted permission by the Town.
3. Electric personal assistive mobility devices.

Article 5 Parking Regulations

SEC. 12-504 Parking Lot Regulations

1. Parking in the following public and privately owned parking lots is restricted as described, except as may otherwise be allowed in accordance with Section 12-505. Some parking lots listed in this section have no described parking restrictions, and are included for identification purposes.

W. **The Town Office Parking Lots**, public parking lots including the public parking lot fronting on Main Street next to the Town Office at 50 Main Street, and the public parking lot next to the Town Office that is accessed by an entrance between 60 Main Street and 64 Main Street.

1. Overnight parking is prohibited, except in designated areas.

Article 6 Regulation of Pedal Vehicles and Toy Vehicles

SEC. 12-604 Operation of Toy Vehicles

1. No person shall operate a skateboard, scooter, roller skates or inline skates on any portion of the town's waterfront walkway.

The following text is provided for reference purposes and is not part of the proposed amendment.

SEC. 12-602 Operation of Pedal Vehicles

1. No person shall ride or propel a pedal vehicle on any sidewalk on Main Street, between School Street and McDonald Street. No person shall ride or propel a pedal vehicle on any portion of the town's riverfront walkway. No person shall ride or propel a pedal vehicle on any sidewalk except in a prudent manner and at a reasonable rate of speed, yielding the right of way to pedestrians and giving audible signal of approach.
2. Persons operating pedal vehicles upon a roadway shall not ride abreast but shall ride in single file.
3. An on-duty law enforcement officer may operate a pedal vehicle on any public property without restriction.

Pedal Vehicle: A mechanical device that is typically comprised of a lightweight tubular frame mounted on two, three or four wheels, and which is designed to be ridden and propelled by the pedaling action of one or more riders. The device is equipped with seating, steering controls and brakes. A small motor may be included for power assistance. A bicycle, tricycle, or quadcycle, a pedicab. (See also Toy Vehicle)

Toy Vehicle: Skateboards, roller skates, inline skates, wagons, coasters, unicycles, electric motor-powered mini-vehicles, and non-motorized scooters. Toy vehicles also include pedal vehicles with a wheel diameter of 16" or less, and which are not designed, approved or intended for use on a road or street.

Title 29-A: MOTOR VEHICLES AND TRAFFIC

§101. Definitions

22-A. Electric personal assistive mobility device. "Electric personal assistive mobility device" means a self-balancing, 2-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

[2001, c. 687, §3 (NEW) .]

Maine Revised Statutes
Title 29-A: MOTOR VEHICLES AND TRAFFIC
Chapter 19: OPERATION

§2063-A. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

1. Limiting use. The department or a municipality with respect to a way under its jurisdiction may prohibit the operation of electric personal assistive mobility devices. Municipalities may impose limits on the operation of electric personal assistive mobility devices in accordance with the provisions set forth in Title 30-A, section 3009.

[2001, c. 687, §16 (NEW) .]

2. Operation. Electric personal assistive mobility devices may be operated anywhere pedestrians are permitted to travel, including, but not limited to, sidewalks, public ways with speed limits of 35 miles per hour or less and bike paths, unless such operation is prohibited by local ordinance or state or federal law. A person operating an electric personal assistive mobility device shall at all times yield the right of way to pedestrians. In addition, a person operating an electric personal assistive mobility device shall give an audible signal before overtaking or passing a pedestrian.

[2001, c. 687, §16 (NEW) .]

3. Riding to the right. Electric personal assistive mobility devices may operate on public ways where the speed limit is 35 miles per hour or less only where a sidewalk or bike path is unavailable. During operation on a public way, a person operating an electric personal assistive mobility device shall ride it as far as practicable to the right side of the way, except when making a left turn, and shall cross public ways using crosswalks where available. This subsection does not apply in a municipality that makes other provisions for the location of traffic by bicycles, motorized scooters and electric personal assistive mobility devices. During operation on a public way at nighttime or at other times when motor vehicles are required to display headlights, a person operating an electric personal assistive mobility device shall wear reflective clothing or a reflective device that is visible at least 200 feet from the rear or shall employ an equivalent illumination device located on the electric personal assistive mobility device.

[2001, c. 687, §16 (NEW) .]

4. Speed. On sidewalks, a person operating an electric personal assistive mobility device may not exceed speeds of 5 miles per hour. On public ways and bike paths, a person operating an electric personal assistive mobility device may not exceed speeds of 15 miles per hour.

[2001, c. 687, §16 (NEW) .]

5. Hitching rides. A person operating an electric personal assistive mobility device may not attach it to a moving vehicle on a way.

[2001, c. 687, §16 (NEW) .]

6. Lights. When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device must have:

A. A lit front light that emits a white light visible from a distance of at least 200 feet to the front; [2001, c. 687, §16 (NEW) .]

B. A red reflector to the rear that is visible at least 200 feet to the rear; and [2001, c. 687, §16 (NEW) .]

C. At least one reflector strip prominently displayed on the device's tires. [2001, c. 687, §16 (NEW) .]

[2001, c. 687, §16 (NEW) .]

7. Stopping. An electric personal assistive mobility device must be equipped to enable the operator to stop the device within a reasonable distance.

[2001, c. 687, §16 (NEW) .]

8. Violations during 183-day trial period.

[2001, c. 687, §16 (NEW); T. 29-A, §2063-A, sub-§8 (RP) .]

9. Violations. Beginning 183 days after the effective date of this section, a person who violates this section commits a traffic infraction for which a forfeiture of not more than \$10 may be adjudged for the first offense and a forfeiture of not more than \$25 may be adjudged for the 2nd or subsequent offense. In addition to a forfeiture that may be adjudged, a person who commits a 3rd or subsequent offense may have that person's electric personal assistive mobility device impounded for no more than 30 days.

[2015, c. 1, §33 (COR) .]

10. Registration. Electric personal assistive mobility devices are not subject to the requirements of chapter 5.

[2001, c. 687, §16 (NEW) .]

SECTION HISTORY

2001, c. 687, §16 (NEW). RR 2015, c. 1, §33 (COR) .

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Lessard, Susan <slessard@bucksportmaine.gov>

Bucksport -- Town Councilor As

8 messages

Legal Services Department <legal@memun.org>

Wed, Aug 1, 2018 at 8:37 AM

To: "slessard@bucksportmaine.gov" <slessard@bucksportmaine.gov>

Sue,

Our conversation yesterday was focused upon your question regarding whether the "Political Activity" section of Bucksport's Town Code conflicts with its Town Charter, and if so, whether you can look to the Charter instead of the Code, the idea being that the Charter is a foundational document that "outweighs" the Code:

Since the Town Charter is the base document in which every item has been voted on at referendum by the voters, and the Town Code is the document that deals with the items approved by the Town Councilors only, I have always deferred to the Charter in the event that there is a question.

In this instance, the Political Activity section of the Town Code uses the word employee in a prohibition on serving - but the Town Charter uses the specific term full-time employee. Since the Charter is the foundation document, I have looked to that as more specificity on this issue - not as it is in conflict with the Town Code provision.

As I said on the telephone, in my opinion, there is no direct conflict between the Town Charter and the Town Code. Section 2.06 of the Charter addresses the issue of Council members as full-time employees, while the Political Activity section of the Code addresses employees seeking or accepting nomination or election to town office. These two questions may be related, but they do not overlap sufficiently for me to conclude that they are in conflict. Moreover, it is perfectly permissible for the Town Code to be more restrictive on a given issue than the Town Charter.

My discussion above tracks our conversation from yesterday. However, after giving the issue further thought, I have reconsidered the importance of the Maine Supreme Judicial Court case that I mentioned in passing. That case, *Callaghan v. City of South Portland*, 2013 ME 78, concerned two part-time municipal employees who wanted to run for positions on the School Board but were prohibited by a city personnel policy nearly identical to Bucksport's policy. The Court struck down the personnel policy as it applied to employees who wished to run for the School Board, concluding that the city had failed to demonstrate that the employees' School Board-related political activities would have an actual impact on city government operations, as opposed to a theoretical impact.

While I don't think that the *Callaghan* case invalidates Bucksport's "Political Activity" ordinance outright, I do think it raises a legitimate question as to whether the ordinance is overly broad and, therefore, legally unenforceable. Unfortunately, as one federal appeals court noted several years ago, this area of the law is best described as a "legal morass," and straightforward answers are hard to come by. On the one hand, the Law Court only overruled the South Portland policy as it applied to municipal employees who wished to run for the School Board, specifically. There is even language in the court's decision suggesting that, if the employees in question had been running for the City Council, then the Court might have upheld the prohibition. On the other hand, the Court's legal analysis stated that a municipality must demonstrate that the First Amendment interests of its employees in running for office (and those of citizens who may want the employees to represent them) are outweighed by impact of the employee's candidacy on the actual operation of the municipal government. And, ultimately, I don't see how the Town could seriously argue that its operations are impacted by an on-call firefighter's running for reelection to the Town Council.

So, contrary to my advice yesterday, I do not think that you have to throw up your hands and say that the Councilor can't run for reelection and be an on-call firefighter. Rather, to the extent that it is politically palatable, my advice is for the Town Council to narrow the Political Activity section of the Town Code so that it restricts the political activity of full-time municipal employees, only. Ideally, the Code would even be restricted further to apply only to municipal employees who

hold positions that are likely to impact or interfere with the Town's operations, such as the Town Manager, the Assessor, the Town Clerk, the Code Enforcement Officer, etc. Obviously, you will have to work with the Town Attorney on crafting the appropriate language.

Please do not hesitate to call if you would like to discuss this further, or if I can clarify any of the points I have made above.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

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Lessard, Susan <slessard@bucksportmaine.gov>
To: Town Council <town.council@bucksportmaine.gov>

Wed, Aug 1, 2018 at 8:57 AM

Good morning-

Following last week's Council meeting I reached out again to Maine Municipal Association regarding Mr. Morrison's questions regarding the Political Activity section of the Town Code and whether it would preclude any town employee of any status from serving as a Councilor. I had asked MMA for a legal opinion based on the language in the Town Charter governing prohibitions for Councilors and their opinion was that it was only a prohibition on full-time employees. Their review of the language issue with regard to the Political Activity section is that that does limit any employee of any type from seeking office. However, the opinion goes on to discuss a Maine court case which has invalidated language similar to that in the Town Code because it was deemed to intrude on people's first amendment rights because it was overly broad. His advice in order to address this in the long term is to amend the Town Code to limit only full-time employees from running for Town Council. I spoke to Councilor Rabs when I received information by phone yesterday and he has ceased any activity with the Fire Department. I will provide this information on the next Council agenda and in the meantime will also provide it to the media and to Mr. Morrison.

Call if you have questions.
Sue

Susan Lessard | Town Manager
Town of Bucksport, Maine | Incorporated June 25, 1792
50 Main Street | P.O. Drawer X | Bucksport, Maine 04416
207.469.7368, ext. 226 (office) | 207.469.7369 (fax)
slessard@bucksportmaine.gov | www.bucksportmaine.gov



Lessard, Susan <slessard@bucksportmaine.gov>

Bucksport -- Town Councilor as Call-Paid Firefighter

8 messages

Legal Services Department <legal@memun.org>

Tue, Jul 17, 2018 at 1:33 PM

To: "slessard@bucksportmaine.gov" <slessard@bucksportmaine.gov>

Sue,

I agree with you that a member of the Town Council may be employed by the Fire & Emergency Services Department on an on-call basis without violating § 2.06 of the Town Charter.

I would also add that the Councilor in question should abstain from voting on matters affecting the Department's budget in order to avoid the appearance of a conflict of interest.

Please do not hesitate to contact me if you have any additional questions.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

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Lessard, Susan <slessard@bucksportmaine.gov>

Tue, Jul 17, 2018 at 1:43 PM

To: "Rabs, Paul" <prabs@bucksportmaine.gov>, Sean Geagan <sgeagan@bucksportmaine.gov>, Craig Bowden <cbowden@bucksportmaine.gov>

Legal Opinion from Maine Municipal.
Sue

Susan Lessard | Town Manager
Town of Bucksport, Maine | Incorporated June 25, 1792
50 Main Street | P.O. Drawer X | Bucksport, Maine 04416
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RESOLVE #R-2019-09 TO PURCHASE TWO POLICE CRUISERS

Whereas, the Town of Bucksport maintains a full time police department, and

Whereas, the department replaces police cruisers on a scheduled basis to insure operational efficiency and personnel safety, and

Whereas, the 2013 Ford SUV Police Cruiser, and 2016 Ford SUV Police Cruiser will be used as trade-ins for the new cruiser, and

Whereas, bids were obtained for two new 2018 Utility Ford Interceptor cruiser as follows:

Quirk Ford of Augusta Net Price \$49,068 including a \$2,500 trade in for the 2013 and a \$6,400 trade in for the 2016. Available second week in August.

Darling’s Ford of Bangor – For 2, 2017 Ford SUVs - Net Price \$50,618 including a \$4,578 trade in for the 2013 and \$5,878 for the 2016. Available immediately.

Darling’s Ford of Bangor – For 2, 2018 Ford SUVs – Net Price \$54,272, including a trade in of \$4,578 on the 2013 and \$5,878 for the 2016

Yankee Ford of South Portland Net Price \$49,030 including a \$5,000 trade in for the 2013 and a \$9,500 trade in for the 2016. These units would be ready in 30 – 120 days.

Whereas, Quirk Ford of Augusta will have the units available within days, and whereas the price is within \$38 of Yankee Ford of South Portland and the units will be immediately available,

Be it resolved by the Bucksport Town Council in town council assembled to award the bid for two new 2018 Ford Interceptor Cruisers to Quirk Ford for the bid price of \$49,068 to be funded from. Police Equipment Reserve. The total cost to purchase and outfit both cruisers will not exceed \$58,000. The CIP budget for these items was \$64,000.

Acted on August 09, 2018

Yes ___ No ___ Abstained ___

Attested by Kathy Downes, Town Clerk

8a

MEMO

To: Susan Lessard, Town Manager

From: Sean P. Geagan, Chief of Police

Re: Purchase of (2) 2018 Police Cruisers and Equipment

Susan,

We have received bids for our (2) 2018 police cruisers. Bids were solicited from three dealerships. We received a total of four bids back.

We received a bid from Quirk Ford of Augusta. The bid was for \$49,068 which included a trade in value of \$2500 for our 2013 Ford SUV, and \$6400 for our 2016 Ford SUV. These units will be on the lot the second week of August.

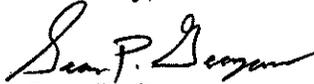
Darlings Ford which is located in Bangor Maine submitted a bid price of \$50,618 for (2) 2017 Ford SUV's on the lot, which included a trade in value of \$4,578 for our 2013 SUV and \$5,878 for our 2016 SUV.

Darling Ford also submitted a bid of \$52, 272 for (2) 2018 SUV's which included a trade in allowance of \$4,578 for our 2013 SUV and \$5,878 for our 2016 SUV, these will be on the lot on or before August 4th.

Yankee Ford is located in South Portland Maine submitted a bid of \$49,030 for (2) 2019 SUV's which includes a trade in value of \$5,000 for our 2013 SUV and \$9500 for our 2016 SUV These units would have to be ordered and would be 30-120 days out.

I am recommending that we accept the bid from Quirk Ford of Augusta in the amount of \$49,068 for (2) 2018 SUV's to be picked up the second week of August. The total package price for these vehicles which includes the purchase of some new equipment, using some old equipment, striping the car and the installation of all equipment will not exceed \$58,000. Our allotment for this CIP project was \$64.000.

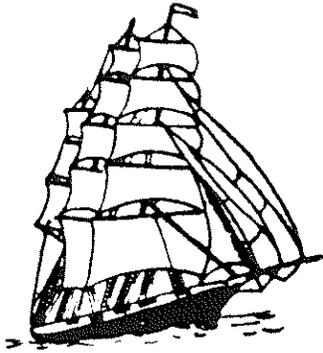
Sincerely,



Sean P. Geagan

Chief of Police

Bucksport Police Department



Chief Sean P. Geagan

BUCKSPORT POLICE DEPARTMENT

PUBLIC SAFETY BUILDING, 89 FRANKLIN STREET
P.O. BOX C-1, BUCKSPORT, MAINE 04416
(207) 469-7951/FAX (207) 469-3122

July 9, 2018

The Bucksport Police Department is soliciting bids for 2 police cruisers. Please forward bids that meet the specifications below prior to the close of business on Friday, July 20, 2018. Bids should be sent to the attention of Police Chief Sean Geagan. Questions can be directed to Chief Geagan.

2018 Police Cruiser Minimum Specifications

- All-wheel Drive SUV with 6 cylinder engine
- Black exterior paint color
- Standard Police Package vehicle
- Police preparation for wiring of police equipment (Harnesses)
- Automatic Transmission
- Anti Lock Brakes
- Driver, Passenger and side air bags
- AM/FM Radio
- Rubber or Vinyl floor coverings
- Cloth front bucket seats, vinyl rear seats
- Front center interior dome lamp
- Drivers side spot light
- Power windows and door locks for front doors, deleted for the back doors
- Air conditioning
- Full size spare tire
- Bids should include a cash price for stand-alone purchase as well as a total price to include trade-in price for a Black 2013 Ford SUV Police Interceptor cruiser which has approximately 143,000 miles, and a Black 2016 Ford SUV Police Interceptor cruiser with approx. 116,000 miles.
- Delivery prior to July 31, 2018 preferred.

The Town of Bucksport reserves the right to reject bids not meeting the minimum specifications outlined above.

8c

RESOLVE #2019-11 TO APPROVE A NON-BINDING REFERENDUM QUESTION ON
THE NOVEMBER 2018 BALLOT CONCERNING BANNING SINGLE-USE PLASTIC
BAGS IN BUCKSPORT

Whereas, the Town of Bucksport has been asked to consider banning the use of single-use plastic bags by local businesses, and

Whereas, the Town Council wants as much input from the town residents on this subject before making a decision as possible, and

Whereas, the November 2018 election is a gubernatorial election and turnout is anticipated to be high,

Therefore, be it resolved by the members of the Bucksport Town Council in Town Council assembled to approve a non-binding referendum question related to banning single-use plastic bags in Bucksport to be included on the November 2018 ballot.

Acted on August 9, 2018

Yes _____ No _____ Abstained _____

Attested by:

Kathy Downes, Town Clerk

10A

Municipal
QUITCLAIM DEED

Know all Persons by these Presents,

That the Inhabitants of -----TOWN OF BUCKSPORT-----
A body corporate and politic, located at-----BUCKSPORT-----
in the County of ----HANCOCK---- and State of Maine,
in consideration of one dollar and other valuable consideration paid by

**MARK H. BAMFORD
ROSEMARY A. BAMFORD**

whose mailing address is

1677 STATE ROUTE 46, BUCKSPORT, ME 04416

the receipt whereof it does hereby acknowledge, does hereby *remise, release, bargain,
sell and convey*, and forever *quitclaim* unto the said

**MARK H. BAMFORD
ROSEMARY A. BAMFORD**

heirs and assigns forever, all its right, title and interest in and to the following described
real estate situated at **0 STATE ROUTE 46, BUCKSPORT----**
in the County of---HANCOCK--- and State of Maine:

LOCATED ON MAP 52 LOT 28 OF THE ASSESSORS TAX MAPS FOR THE TOWN
OF BUCKSPORT, CONSISTING OF 54 MAPS NUMBERED FROM 1 THRU 53
INCLUSIVE, WHICH ARE ON FILE AT THE TOWN OF BUCKSPORT MUNICIPAL
OFFICE, 50 MAIN STREET, BUCKSPORT, MAINE.
(TRIO REAL ESTATE ACCT#450)

**BEING THE SAME PREMISES AS DESCRIBED IN BOOK 853 PAGE 304
RECORDED AT THE HANCOCK COUNTY REGISTRY OF DEEDS
ON DECEMBER 14, 1959**

To have and to hold the same, together with all the privileges and appurtenances there unto belonging to the said

**MARK H. BAMFORD
ROSEMARY A. BAMFORD**

heirs and assigns forever.

In Witness Whereof, the said Inhabitants of ---TOWN OF BUCKSPORT--- has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its COUNCILORS thereunto duly authorized, this 9TH day of the month of AUGUST A.D. 2018.

*Signed, Sealed and Delivered
in presence of Inhabitants of Town of Bucksport*

_____ Robert G. Carmichael Jr. _____ Mark B. Eastman

_____ Paul R. Gauvin _____ David W. Kee

_____ David G. Keene _____ Paul F. Rabs

_____ Peter L. Stewart

_____ Susan Lessard (Witness to All)

STATE OF MAINE, COUNTY OF HANCOCK ss. AUGUST 09, 2018.

Then personally appeared the above named COUNCILORS
And acknowledged the foregoing instrument to be THEIR free act and deed in
THEIR said capacity, and the free act and deed of said body corporate.

Before me,

.....
Kathy L. Downes, Notary Public
State of Maine – Hancock County
My commission expires: May 15, 2023

11a

TRANSFER STATION MONTHLY REPORT

MONTH July YEAR 2018

TRIPS 5 BUCKSPORT - TOTAL WEIGHT 207,900 LBS 103.95 TONS

SHIPPED

<u>4</u>	0 SORT RECYCLING	TOTAL WEIGHT	<u>33,220</u> LBS	<u>16.61</u> TONS
<u>3</u>	LOADS OF DEMO	TOTAL WEIGHT	<u>30,940</u> LBS	<u>15.47</u> TONS
<u>1</u>	LOADS OF METAL	TOTAL WEIGHT	<u>9,240</u> LBS	<u>4.62</u> TONS
<u>0</u>	REFRIGERATORS	TOTAL WEIGHT	<u>0</u> LBS	<u>0</u> TONS <u>0</u> UNITS

SHIPPED

13 BATTERIES

0 PROPANE TANKS

200 WASTE OIL - PUMPED GALLONS

1575 LBS - ITEMS GIVEN AWAY

MONEY IN:

D M & J	\$ <u>0</u>
TRANSFER STATION	\$ <u>1,635.35</u>
TOTAL:	\$ <u>1,635.35</u>

TOWN OF BUCKSPORT
CODE ENFORCEMENT/PLANNING OFFICE
REPORT
July, 2018

PERMITS ISSUED

9 building/land use permits were issued, including 1 change of use for recreational lodging, 1 change of use for a small retail store, and the rest for accessory structures.
4 plumbing permits were issued, all for interior plumbing.

ADDRESSING ACTIVITY: No activity

BOARD OF APPEALS ACTIVITY: No activity

PLANNING BOARD ACTIVITY

The planning board reviewed and approved a 3-lot subdivision involving the former Verso Paper Mill property.

ENFORCEMENT ACTIVITY

- Sent a letter to a camp owner on Jacob Buck Pond informing them that their proposed recreational lodging business could not be approved until the dwelling was provided with a legal septic system. The camp currently drains wastewater directly into the pond.
- Sent a letter to a Central Street property owner about garbage nuisance conditions on their unoccupied property.
- Sent a letter to a property owner conducting a recreational lodging business on their River Road property without a permit. The owner responded by applying for the required permit.
- Sent a letter to a property owner conducting a recreational lodging business on their School Street property without a permit. The owner responded by contacting me and will be applying for the required permit.
- Sent a letter to a property owner conducting a recreational lodging business on two State Route 46 properties without a permit. No reply has been received.
- Sent a letter to an Upper Long Pond Road property owner living in a camper on the property. The question of occupying campers for year-round dwellings is now under review by the Regulatory Review Committee, so no further enforcement action is planned at this time.
- Sent a letter to a Bucksmills Road property owner informing them that their long-standing violations concerning the occupancy of their mobile home are expected to be finally resolved by the end of August. Further court action may become necessary if that doesn't happen.

OTHER ACTIVITY

- Updated information on the town's website.
- Worked on updates to ordinances.
- Worked on a Census update.
- Worked with the Town Manager to address permit requirements for the pier replacement at the Town Dock.
- Conducted plumbing and occupancy inspections.
- Put up banners.
- Typical office work maintaining records, answering calls and emails, meeting with citizens, answering questions, providing copies of documents.

TO: SUSAN LESSARD, TOWN MANAGER
FROM: JAY LANPHER, PUBLIC WORKS DIRECTOR
SUBJECT: JULY 2018 MONTHLY REPORT
DATE: AUG 6, 2018

The month of JULY saw the Public Works crew spending days working on the following projects:

- 6 days maintaining street signs and patching
- 5 days sweeping streets
- 8 days cleaning catch basins
- 5 loads of trash were hauled to JRL from the Transfer Station this month
- 3 days supporting the Bay Festival
- 2 days stockpiling gravel
- 12 days spent mowing roadside and cemeteries
- 3 days paving
- 3 days spent striping parking lots

This month, Cabin Gardens Inc, a local contractor performed our annual roadside mowing on all rural roads and the landfill.



Chief Sean P. Geagan

BUCKSPORT POLICE DEPARTMENT

PUBLIC SAFETY BUILDING, 89 FRANKLIN STREET
P.O. BOX C-1, BUCKSPORT, MAINE 04416
(207) 469-7951/FAX (207) 469-3122

BUCKSPORT POLICE DEPARTMENT

MONTHLY REPORT

JULY 2018

Chief Sean Geagan:

In the month of July the department worked its 21st Bay Festival. This went over well with very few issues. We investigated an accident at the end of the night which involved a motor vehicle and a pedestrian. I did have comments from the public as to how well our emergency personnel did at this scene.

I attended several meetings this month. I met with the state accreditation team this month in Auburn. This is a board that I am on through the Maine Chiefs of Police Association. The accreditation program continues to move forward in the state. I attended the Bucksport Area Child Care Center Board of directors meeting, this organization continues to provide a great service for the town. I met with the Recreation Board this month. The YMCA is doing a great job with this program and it is progressing fast. I also met with United States Attorney General Jeffrey Sessions this month in Portland. We discussed the opiate problem in the State of Maine. I have enclosed a picture of this meeting with my report.

Our Guns and Hoses group completed another year of Wednesday on Main event this month. This went over very well and we received a lot of great comments on this event from the community. It is always great to get out and talk with the public at a community event such as this. There are a lot of good conversations that take place at these events. This is a big part of our community policing program and it continues to go very well each year.

We have been tracking our bicycle officer this year while he is on his bike to see what area that he is covering. He initiated this tracking system on his own this year. I have attached a map so far this year as to the area that he has covered on the bike this summer. It is a lot of area!

We had the opportunity to utilize our new UTV's at the Bay Festival this month. These units came in very handy and were used for traffic control and an extra patrol vehicle all day and night of this event. I would like to thank Officer Bishop and our Town Mechanic Matt Pierce for all their hard work that they put in on these units. They have

already payed dividends and we have very little funding into them. We are also looking at trailers for these units through the program along with looking for a boat for the town.

The department received a card of thanks from a family that cares. Mr. and Mrs. Giarretta sent a card of thanks to law enforcement departments around the country thanking us for what we do. I have attached it to this report.

Sergeant David Winchester:

The Bucksport Police Department again participated in the Bucksport Bay Festival events in the month of July. This year's events again included a street dance, all day events on Saturday and a fireworks display Saturday night. The event again drew thousands of people to the Bucksport down town area. The Police Department is happy to report that overall, the weekend remained peaceful with only minimal calls for service.

Sergeant Winchester and members of the Bucksport Fire Department were invited to, and attended a parade in Orrington to celebrate their, "Old Home Week" events. The event was well attended by other surrounding agencies and first responders.

Sergeant Winchester applied for and was approved for a grant to enforce underage drinking complaints/violations in the amount of approximately \$1200.00. The grant will be forwarded to the Chief for possible approval. The funds would be used for officers conducting investigations, special details or training in the area of underage drinking violations.

The Department continues to use funds from other grants to conducted traffic enforcement details including speed and distracted driving enforcement. Officers have observed a high number of texting and driving and reading while driving violations. To date, Officers have conducted 65 traffic stops related to those violations alone. Currently, the fine for texting and driving is \$325.00.

Sergeant Winchester and members of the Police Department are currently working on the missing person case of Colin Arey. Mr. Arey was reported missing in July and was last seen in January of 2017. The department has used social media, news paper and television as a way to notify the public of this investigation.

Sergeant Winchester had three arrests this month for drug violations, outstanding warrants and bail violations. He is currently working on several investigations including: missing persons, drug offenses, sexual assault offenses, injury accidents, assaults and burglary.

Patrol:

The Patrol Division had 7 arrests, 29 citations and 178 warnings for a total of 207 violations. There were 426 CAD calls for police services this month. The Patrol Division handled 17 motor vehicle accidents. I have included a map of all the calls for service for the Police Department this month.

Officer Schmidt had 61 violations, Officer Lowe had 41 violations, Officer Woodman had 33 violations, Sergeant Winchester had 23 violations, Officer Findlay had 19 violations, Officer Knight and Officer Marcel had 9 violations each, Officer Welch had 8 violations, Officer Bishop had 4 violations, ACO Joy had 3 violations. We had 5 parking problems this month. A partial list of complaints handled along with percentage of time spent for the month are attached to this report.

The following are all calls for service that were handled this month. Officer Woodman 46, Sergeant Winchester 31, ACO Joy 14, Officer Marcel 32, Officer Lowe 50, Officer Schmidt 98, Officer Welch 2, Officer Findlay 52, Officer Knight 29, Chief Geagan 5, Officer Bishop 57.

Officer Matthew Schmidt received a letter of commendation this month for his efforts on a CPR run this month. He assisted in CPR this month and due to his efforts the man he worked on is still alive, A Job Well Done!!

Officer Ryan Knight worked his last shift as a full time officer this month. Officer Knight was with us for 20+ years and will be hard to replace. He will be working for us on a part time basis and has changed his full time career and will be working at Maine Maritime Academy. I would like to thank him for his 20+ years of service in law enforcement to the Town of Bucksport and wish him the best in his future endeavors.

The Department has six areas of crime that are reported each month to the uniform crime reporting system. These areas cover; Criminal Homicide, Forcible Rape, Robbery, Assault, Burglary and Theft. In the month of July we had 0 Criminal Homicides, 0 Forcible Rape, and 0 Robbery. We had 0 assault, 0 burglaries, we had 6 thefts, and we had a total of 6 cases this month. Cases can be cleared by an arrest or exceptional means. This means that the case was solved in one form or another. Keep in mind that cases from previous months that we clear will show up on this months report.

Dispatch:

In the month of July, the Dispatch Center made 9965 radio log entries. A partial list from the new system is attached to this report, this includes percentages. All of these calls are taken by the dispatch and put into the computer aided dispatch system and dispatch to the appropriate units. The dispatch center completed 32 burn permits this month all of these include meeting with individuals in the building to complete these; they completed 2 concealed weapons permit. They also completed Court Work, Payroll, and Purchase Orders for billing purposes along with answering all calls and greeting the public at the Public Safety Building. This department continues to be the lifeline of the town and they are very busy in all areas. The dispatch continues to work on scanning a lot of our documents in the dispatch center along with attaching them to the Spillman records management system. This is a very slow process but once it is complete we will have it in digital form and be able to shred the old documents. We have found some very interesting cases from many many years ago.

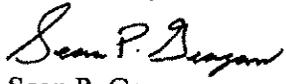
Animal Control:

In the month of July, Officer Joy handled 39 animal complaints. Officer Joy took in 8 cats from Bucksport, 2 cats from Orrington, 3 dogs from Orland, and 1 cat from Prospect. He had 4 dogs reclaimed, and 10 cats were adopted.

Police Advisory Committee:

The Police Advisory Committee is on summer break.

Respectfully submitted,



Sean P. Geagan
Chief of Police



Bucksport Police Department

Total CAD Calls Received, by Nature of Call

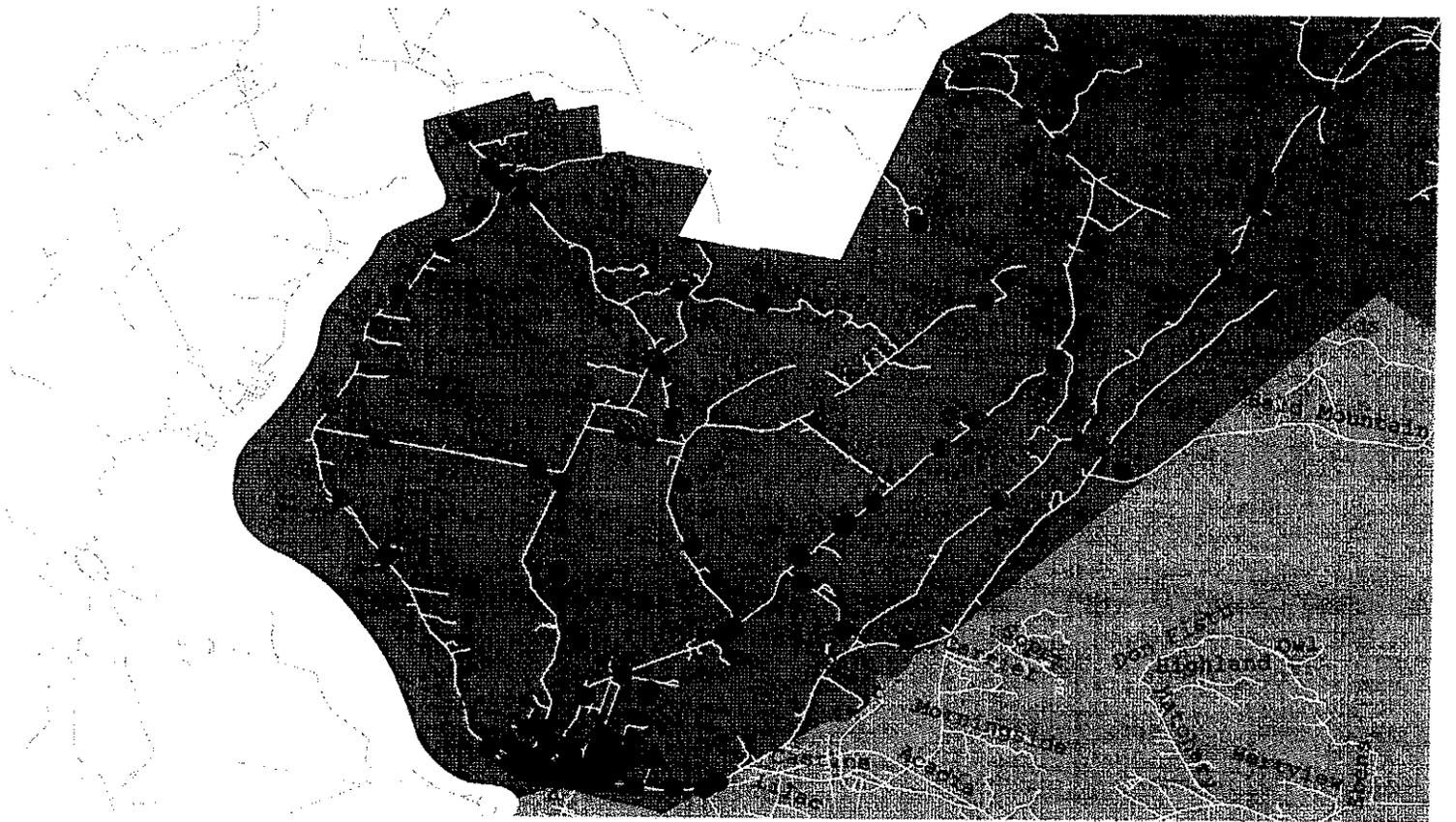
<u>Nature of Call</u>	<u>Total Calls Received</u>	<u>% of Total</u>
911 Call	9	2.11
Non Dispatched 911 call	1	0.23
911 Hang up Call	1	0.23
Agency Assistance	1	0.23
Assist Fire Department	1	0.23
Assist Law Enforcement	15	3.52
Assist Other	4	0.94
Alarm	5	1.17
Alcohol Offenses	1	0.23
Animal Problem	39	9.15
Attempt to Locate	2	0.47
Check well being	9	2.11
Citizen Requested Assistance	10	2.35
Neighborhood Dispute	2	0.47
Civil Problem	5	1.17
Concealed Weapons Permit	2	0.47
Deliver Message	1	0.23
Disabled/Stranded Motorist	1	0.23
Disorderly Conduct	4	0.94
Drug Intelligence Information	1	0.23
Fingerprint-Non Criminal	1	0.23
Fire	1	0.23
Fireworks Violation	3	0.70
Found Property	14	3.29
Shots Fire, Shots Heard	2	0.47
In Person/phone/text/internet	7	1.64
Information Report	28	6.57
Intoxicated Person	1	0.23
Juvenile Problem	2	0.47
Littering/Illegal Dumping	1	0.23
Lost Property	2	0.47
Medical Emergency	10	2.35
Motor Vehicle Complaint	16	3.76
All Court Paperwork	1	0.23
Parking Violation/Obstructing	5	1.17
Traffic Accident w/ Damage	14	3.29
Traffic Accident, w/ Injuries	3	0.70
Property/Buisness Check	10	2.35
Serve Protection Orders	2	0.47
Serve Subpoena	1	0.23
Registration of Sex Offender	4	0.94
Any Special Detail	5	1.17
Suspicious Person/Veh/Incident	18	4.23
Theft	9	2.11

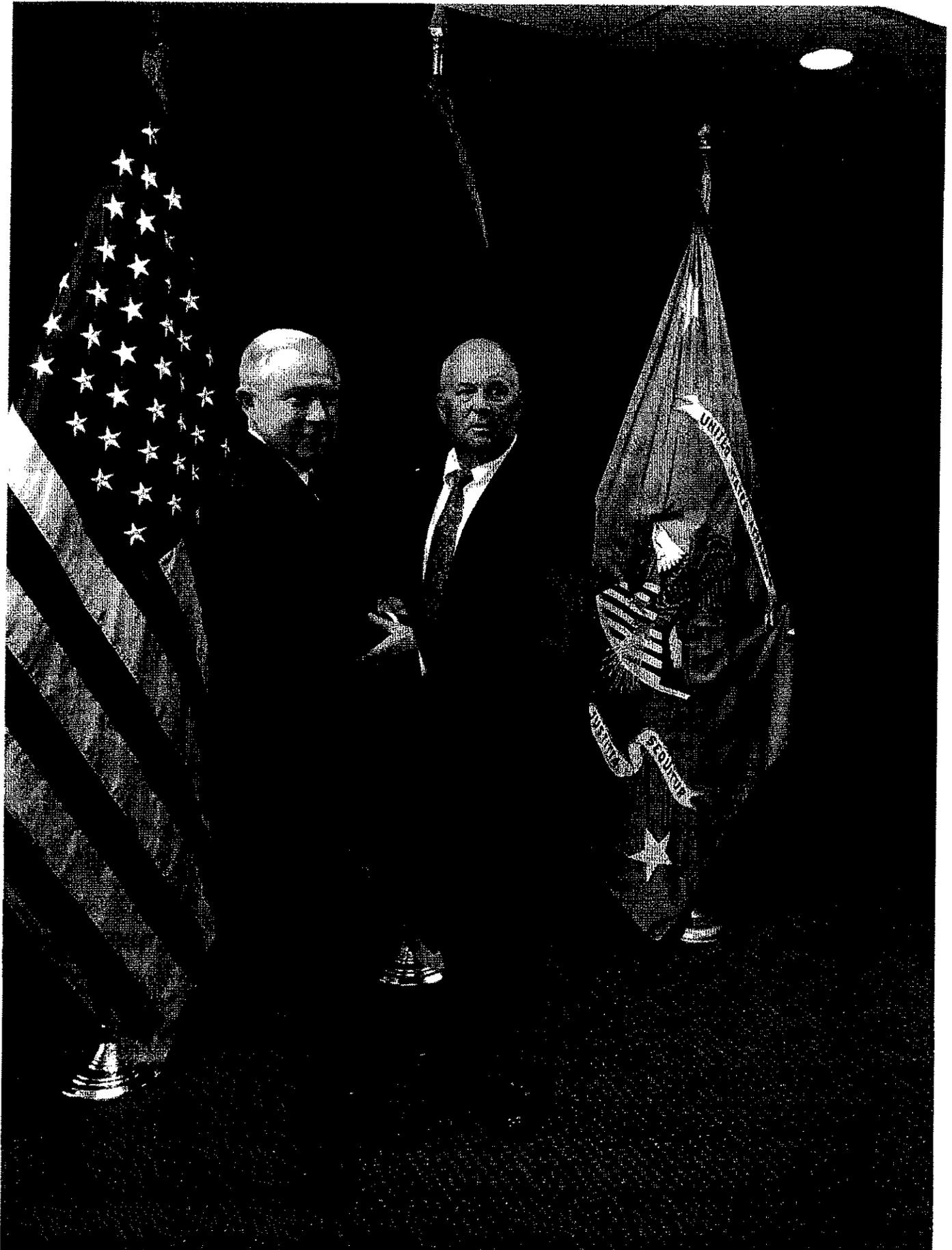
<u>Nature of Call</u>	<u>Total Calls Received</u>	<u>% of Total</u>
Threatening	1	0.23
Traffic Control	1	0.23
Road Hazards (Sign/Signal/Debr	5	1.17
Traffic Violation	129	30.28
Trespassing	3	0.70
Unattended Death	1	0.23
Criminal Mischief/Damage	3	0.70
Vehicle off road	1	0.23
VIN Inspection	2	0.47
Bail Violation	1	0.23
Warrant Arrest	5	1.17

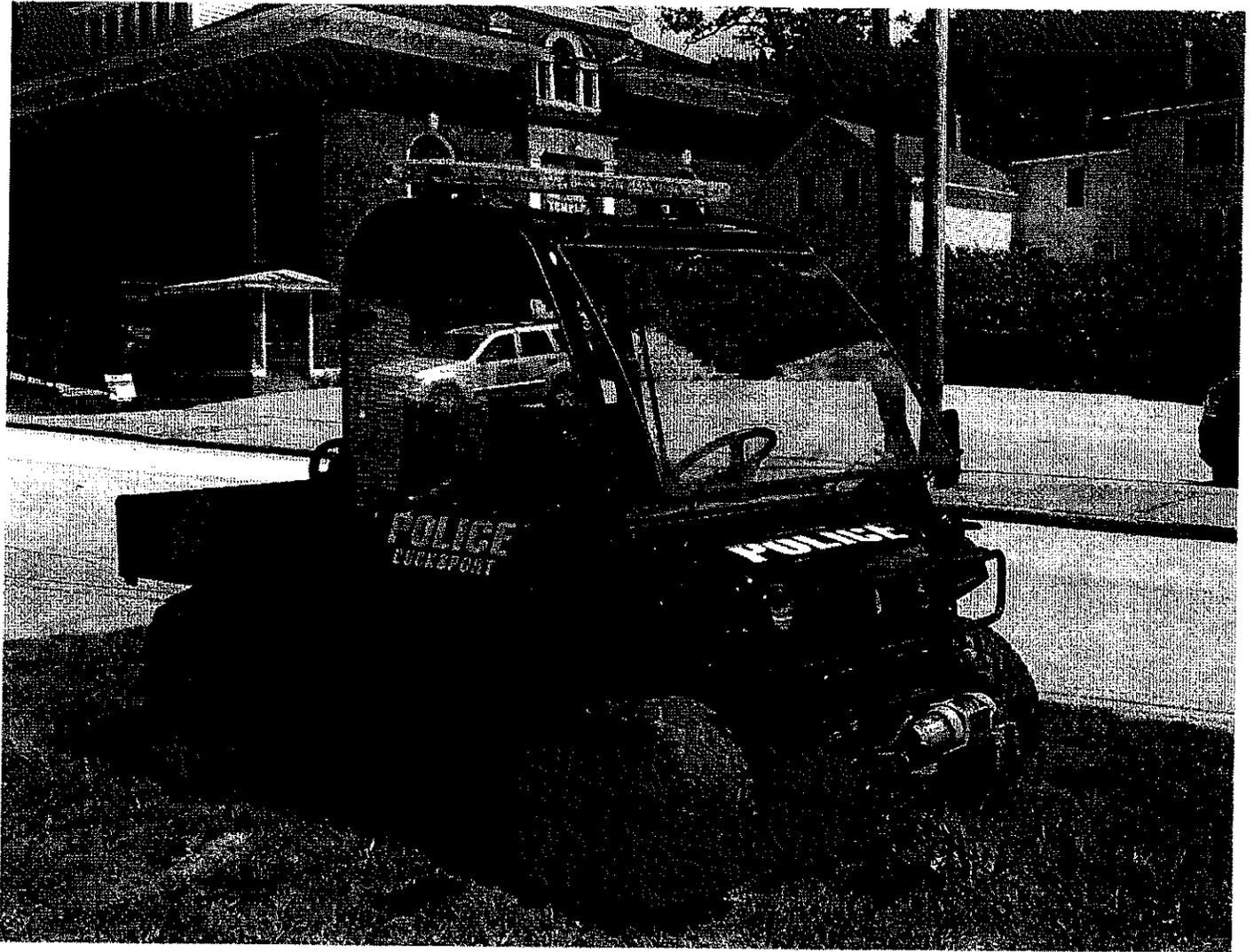
Total reported: 426

Report Includes:

All dates between `00:01:00 07/01/18` and `00:01:00 08/01/18`, All nature of incidents, All cities, All types, All priorities,
All agencies matching `BKPD`







To All Law Enforcement Agencies Across the USA

Our family wishes to thank you from the bottom of our hearts for your dedication and service.

In spite of all the restrictions put on law enforcement you still put on your uniform and go out every day to every call and put your life on the line to protect our families and communities.

Our society would not survive without your service.

Please stay safe and watch over your Brothers and Sisters.

We pray daily for your safety.

God Bless You!

John & Barbara Liarrotta

From a Family that cares.



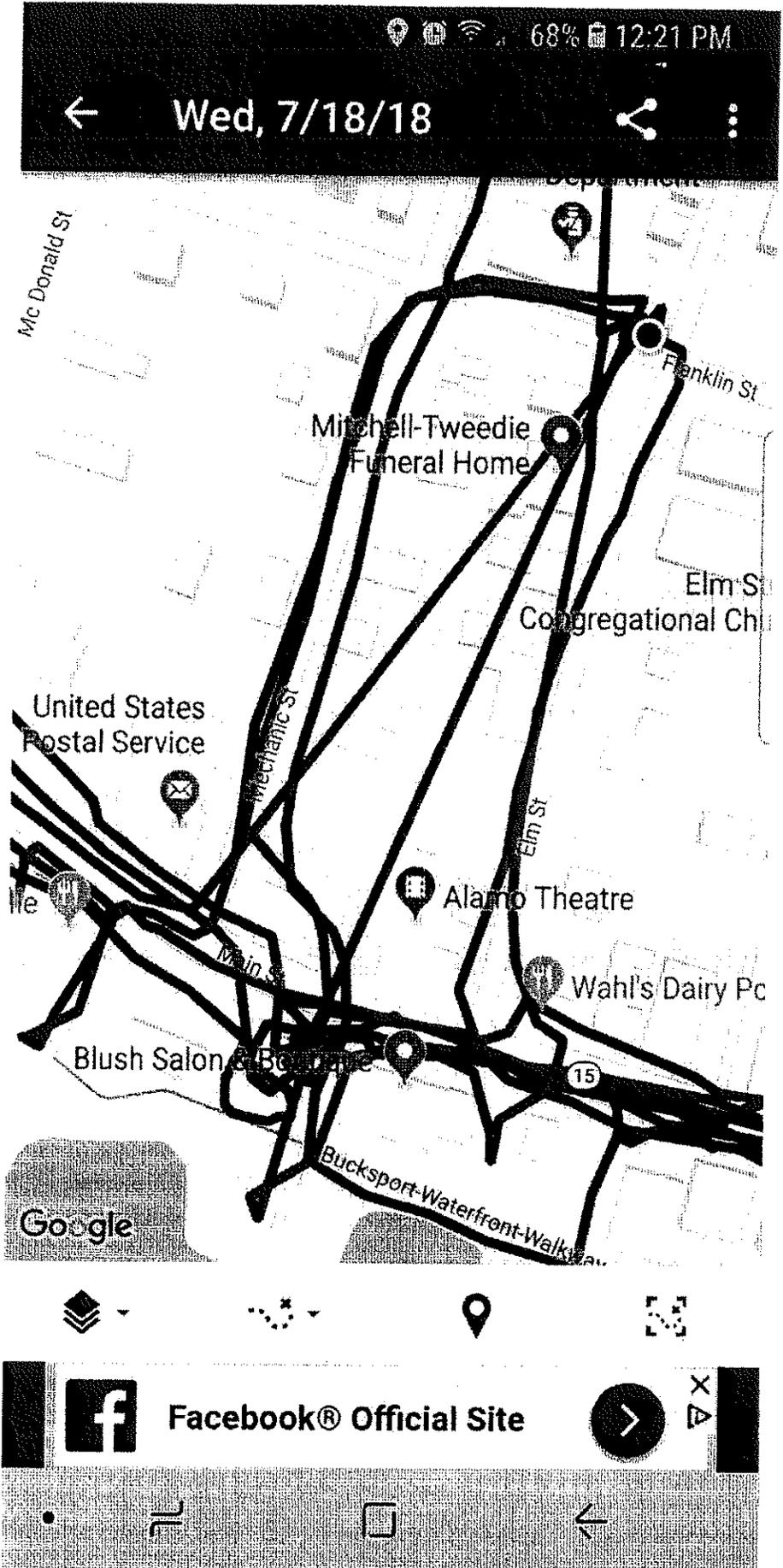
I am sending this letter to
Law Enforcement Agencies in each state. I
hope it gets to all officers in the U.S.A.

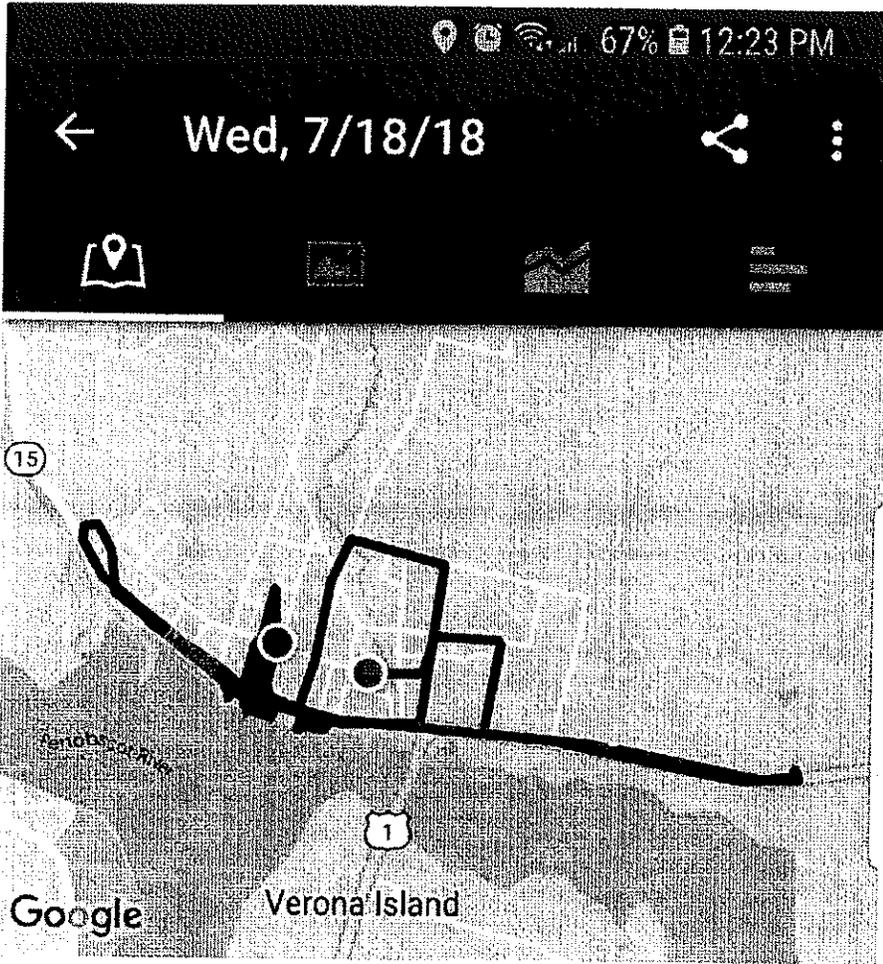
Please make copies for your officers.
I can not give enough thanks to you and your
staff for the job that you do for us on a daily
basis. I can only say thank you!

I have sent over 6300 letters to date 7/1/18

I will continue to send letters across the
U.S.A. until I think most officers have read it.
Our MILITARY and LAW ENFORCEMENT
are equally important to our Great Country

John & Barbara Giarretta
1125 Washington Ave
Green Brook, N.J. 08812





Running, Bucksport

8.43 Distance (mi)	07:19:05 Duration	3399 Calories
------------------------------	-----------------------------	-------------------------

Avg. Pace **52:06 min/mi**

Avg. Speed **1.2 mph**

Big Savings on Pacifica

**Community & Economic Development
July 2018 Activities
Submitted by Rich Rotella**

Economic Development:

I attended several meetings throughout the course of the month including a meeting by invitation only in Ellsworth with the Maine Forest Group & USDA which was attended by the Assistant to the Secretary for USDA Rural Development, Anne Hazlett. I attended both of the breakfast meetings with Jennifer Fortier of Whole Oceans which were held at the Local Variety. I attended a YMCA Advisory Committee Meeting, 2 ADAPT phone meetings, 2 Town Council Meetings, the 4 sub-committee meetings prior to the Council Meetings, a Main Street Meeting and a Library Meeting. I hosted the Broadband meeting held in the Council Chambers with members of the USDA and ConnectME, which was attended by over 30 participants. I assisted with the delivery and the stage for Bay Fest. I met with Camden National Bank in regards to the sale of 52 Main Street, which is still on going. I had 2 meetings with potential business owners during the month. I met with a developer for potential housing opportunities in Town.

Marina:

The marina saw the re-installation of the camera added back for the season with the guidance and assistance from the IT department. Mike and Bill individually work every other weekend; however, they both worked the entire Bay Festival weekend. Numbers are up this year for cruise ships (year to date this year over last year) and have added Bucksport as a stop with an arrival of late Saturday night, all day Sunday and departure early Monday morning through the month of September.

Waterfront:

The 3-person crew on the waterfront had a productive month as they helped to have the waterfront in tip top shape for the 21st Bay Festival. The crew put in extra hours and worked the majority of the time that the Bay Fest was running (Friday evening, all day Saturday and Sunday morning). After the town crew took out the hedges in front of the Town Office, the waterfront crew added day lilies in their place.

Other:

During the month of July, I completed 24 hours of volunteer hours for summer softball and 6 volunteer hours for high school girls soccer officiating.