

PACKET NOTES: Prepared for Selectmen’s agenda 09/08/2010

By the ORDINANCE REVIEW COMMITTEE

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Ordinance Review Committee 2010-2011  
8/27/2010 22:25

Blue dates are planned

**ORDINANCES ADOPTED BY REFERENCE**

Team	submitted	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	Town Meeting	Notes
mh-kh					
pr					
pr					
hm	11/18/09	07/14/10	09/08/10		

**EXISTING WITH POTENTIAL SECTION REVIEW**

Coastal Waters Sec. 13.5 and 13.6					
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**POTENTIAL NEW ORDINANCES**

Weight Limit Posting Roads	hm	06/30/10	07/14/10	09/08/10	
Cemetery Committee	dd				
Road Plan Committee	hm-jw	08/27/10	09/08/10		
Capital Projects Committee	jw	08/27/10	09/08/10		May supplant the Road Plan Committee
Authorize BOS to set fees	hm	08/27/10	09/08/10		Town ordinance to authorize BOS
Fees document	hm	08/27/10	09/08/10		Selectmen Ordinance to set fees
Chandler's Field	dd,lb,kh				
Docks and Wharves	kh-hm				
Bicycles on Public Ways	dc				

**CENTRALIZE FEE & PERMITS**

Emergency Management					Alter language to allow fee schedule
Zoning					Alter language to allow fee schedule
Floodplain Management					Alter language to allow fee schedule
Growth Management					Alter language to allow fee schedule
Coastal Waters					Alter language to allow fee schedule
Parking					Alter language to allow fee schedule

# RESTRICTING VEHICLE WEIGHT ON POSTED WAYS ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Town Meeting:

Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “Restricting Vehicle Weight on Posted Ways Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to prevent damage to town ways and related structures in the Town of Chebeague Island which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and related structures, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

SECTION 103. DEFINITIONS

- a) **Related Structures.** The term ‘related structures’ shall refer to any and all structures that are considered to be part of the road system in the Town of Chebeague Island and including but not limited to: bridges and culverts, public parking areas, water access, the Stone Wharf, and access ways for Chandler’s Pier.
- b) **Temporary Exemption.** A temporary exemption may be granted in accordance with Section 105 of this ordinance. A temporary exemption is defined as one traverse of the posted way or related structure. A traverse may be considered the trip both to and from a destination for a specific purpose.
- c) The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.
- d) Any words not otherwise defined therein shall be given their common and ordinary meaning.

SECTION 104. RESTRICTIONS AND NOTICES

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the road system, and designate the town ways and related structures to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or related structure so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or related structure, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the

municipal officers or their designee. The notice shall be conspicuously posted at each end of the restricted portion of the way or related structure in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

#### SECTION 105. EXEMPTIONS

The following vehicles are exempt from this ordinance:

- a) Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
- b) Any two-axle vehicle while delivering any form of home heating fuel;
- c) Any vehicle while engaged in highway maintenance, solid waste hauling or repair under the direction of the State or Town;
- d) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- e) Any school transportation vehicle while transporting students;
- f) Any public utility vehicle while providing emergency service or repairs;
- g) Any vehicle detoured by a law enforcement officer at an accident scene; and
- h) Any owner or operator granted a temporary exemption by the road commissioner.

The owner or operator of any vehicle may request a temporary exemption by written request to the road commissioner. In determining whether to allow a temporary exemption, the road commissioner shall consider the following factors:

- a) the gross registered weight and the type of vehicle;
- b) the current and anticipated condition of the way or related structure;
- c) the number and frequency of vehicle trips proposed;
- d) the cost and availability of materials and equipment for repairs;
- e) the extent of use by other exempt vehicles; and
- f) such other circumstances as may, in their judgment, be relevant.

The road commissioner may require the applicant to tender cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage incurred as a result of granting a temporary exemption.

For cases where restrictions are imposed to protect roads during spring thaw conditions the criteria of ambient temperatures below 32°F and no visible unfrozen water on the surface or in road defects may be used to grant a temporary exemption.

The road commissioner shall record all exemptions granted stating the applicants name, vehicle weight, date and times of the temporary exemption, public ways involved and the reason for the temporary exemption.

SECTION 106. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and may be enforced by the municipal officers, the road commissioner, code enforcement officer or law enforcement officer with jurisdiction in the Town of Chebeague Island.

SECTION 107. PENALTIES

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or related structure and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

SECTION 108. AMENDMENTS

This Ordinance may be amended by the municipal officers or Town Meeting at any properly noticed meeting.

SECTION 109. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

# **VICTUALERS AND VENDORS LICENSE ORDINANCE**

**of the Town of Chebeague Island  
MAINE**

Adopted by the Town Meeting:  
Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “VICTUALERS AND VENDORS LICENSE in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of the Victualers and Vendors License Ordinance is to insure that establishments serving food or drink intended for consumption by the public prepare their food and drink in a safe and sanitary environment. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

SECTION 103. DEFINITIONS

- a) **VICTUALER.** The term ‘victualer’ (pronounced: *vit-a-ler*) shall mean any person who operates a business on Chebeague that prepares and/or serves food or drink for consumption by the public within the Town of Chebeague.
- b) **EATING ESTABLISHMENT.** The term ‘eating establishment’ shall mean any establishment; fixed, temporary or mobile that serves food or drink to the public but specifically shall not include the operation of a farm stand selling locally grown produce or sale of food or drink from a temporary sidewalk stand operated by minors immediately adjacent to their residence.
- c) **TOWN INSPECTOR.** The term ‘town inspector’ shall mean an individual elected or appointed to represent the Town of Chebeague Island and may include the Fire Chief, Health Inspector, Code Enforcement Officer.
- d) The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.
- e) Any words not otherwise defined therein shall be given their common and ordinary meaning.

SECTION 104. LICENSE

It shall be unlawful for any victualer to operate an eating establishment within the Town of Chebeague until they have met the requirements of this ordinance and been granted a victualer’s license by the Board of Selectmen. All licenses granted under this ordinance expire on June 30 of the year for which they are issued. The Town Clerk shall provide forms for the applicant and the inspections.

SECTION 105. LICENSING PROCEDURE

New license application forms are provided by the Town Clerk. The Board of Selectmen will approve or deny a completed new license application at the next regular meeting of the Board. Renewal forms are provided by the Town Clerk and are reviewed and approved or denied by the Board of Selectmen in the spring of the year, prior to the June expiration. The Board of Selectmen may allow a Victualer’s license to lapse for up to 12 months and still consider a renewal application.



**SECTION 106. REQUIREMENTS**

The applicant is responsible for completing the form and requesting the necessary inspections from Town Officials returning the completed form to the Town Clerk. Prior to the Selectmen meeting applications new or renewal applications must include:

1. Completed application
2. Written report filed by town inspector for:
  - 2.1. Fire Safety
  - 2.2. Public Health safety
  - 2.3. Building Code Compliance

**SECTION 107. GROUNDS FOR DENIAL**

Grounds for denial include but are not limited to:

- Failed inspection by any town inspector
- Incomplete Application
- Unpaid victualer’s license fees (past or present) due the Town of Chebeague

**SECTION 108. INSPECTIONS**

The Board of Selectmen may require an inspection of any licensee at any time during regular business hours for the licensee if they have determined sufficient cause. Each town inspector will make timely inspections according to their regular schedule and provide a completed inspection form to the Town Clerk in a timely fashion.

**SECTION 109. SUSPENSION AND REVOCATION**

The Municipal Officers may suspend or revoke a license under this Ordinance for serious or repeated violations of the terms of the Ordinance if the Municipal Officers determine that the licensee is unfit to hold a license. Such suspension or revocation may occur only after an investigation and hearing by the Municipal Officers, notice of such hearing being served upon such licensee or left at the licensee's premises at least three (3) days before the time set for said hearing

**SECTION 110. REINSTATEMENT OF LICENSE**

The licensee may at any time after a suspension make application in writing for reinstatement of the license to the Board of Selectmen representing that the condition for which the suspension was imposed has been corrected. The Town Clerk will arrange an appropriate inspection to determine that the condition has been corrected and the Board will rule on reinstatement no later than the next regular Selectmen’s meeting

**SECTION 111. ADMINISTRATION AND ENFORCEMENT**

This Ordinance shall be administered and may be enforced by the municipal officers or the town administrator.

SECTION 112. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 113. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

# VICTUALERS ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Town Meeting:

Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

## SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “Victualers” Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

## SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect the public safety by regulating the preparation of food for public consumption. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3812.

## SECTION 103. DEFINITIONS

- a) **VICTUALER** (*vit-a-ler*) shall mean any person who operates a business in the Town of Chebeague Island that prepares and/or serves food or drink for consumption by the public within the Town of Chebeague Island and who must file form HHE-602 with the Maine Department of Health and Human Services.
- b) **FACILITY** shall include a: restaurant, bed and breakfast, motel, hotel, convenience store, outdoor facility or other facility where food is prepared for public consumption.
- c) **BOARD** shall mean the Town of Chebeague Island Board of Selectmen.

## SECTION 104. LICENSE

It shall be unlawful for any victualer to operate within the Town of Chebeague until they have met the requirements of this Ordinance and been granted a victualer’s license by the Board. All licenses granted under this Ordinance expire coincident with State licenses submitted per Section 105a.

## SECTION 105. REQUIREMENTS

- a) **APPLICATION** – Application may be made to the Town Clerk by submitting a payment of the fee and a copy of Maine Department of Health and Human Services form HHE-602 (or other applicable State form). Application for a new license must be approved by the Board at any properly notice meeting.
- b) **GROUND FOR DENIAL** – The Board may deny an application for license if any conditions of this ordinance are not met or if the Board determines that issuing a license will not adequately protect the public safety. A denial must be made in writing to the applicant clearly citing the reasons for denial.
- c) **RENEWAL** – Application for renewal may be made to the Town Clerk by certifying in writing that all State requirements have been met. The Town Clerk will grant a renewal upon proper certification.
- d) **INSPECTIONS** – Any inspections of the facility carried out by State officials must be recorded with the Town Clerk (also see Section 106).

SECTION 106. REVOCATION

The Municipal Officers may revoke a license under this Ordinance by written notice to the applicant and after a properly noticed hearing. Findings must show that the licensee is in significant violation of Section 105 of this Ordinance, the Maine Food Code as adopted by The Maine Department of Human Services – 10-144 CMR 200 or the municipal building or fire codes and that as a result public safety is at risk.

In order to determine cause for a hearing and to make proper findings the Board may require inspections by the Health Officer, Fire Chief and Code Officer who shall use inspection forms provided by the Town Clerk to file written reports to the Board. Inspections may occur without notice during regular business hours.

SECTION 107. FEE

An application fee for license and license renewal may be set by the Board in accordance with Ch 11 Art. II Sec. 109(S) of the Town Code of Ordinances.

SECTION 108. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and may be enforced by the municipal officers or law enforcement officer with jurisdiction in the Town of Chebeague Island.

SECTION 109. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 110. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

207-287-5671

**SELECTMEN'S PACKET FOR 08/09/2010**  
**STATE OF MAINE**

**Page 14 of 46**  
Please allow 30 days for processing

**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
**HEALTH INSPECTION PROGRAM LICENSE APPLICATION**

**1. License Category** (Check one):

- New Establishment     Change of Ownership     Remodeling     Converting
- Expanding:     seating     sites     rooms

**2. Establishment Information:**

Year round  
 Seasonal      Dates: \_\_\_\_\_ to \_\_\_\_\_

Establishment Name, DBA: \_\_\_\_\_

Physical Work Location \_\_\_\_\_ City/Town \_\_\_\_\_ Zip \_\_\_\_\_

Phone # \_\_\_\_\_ FAX # \_\_\_\_\_ E-mail \_\_\_\_\_

**3. License Type:** [Check the one(s) that fit the best.]

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Adult Recreational Camp  | <input type="checkbox"/> Eating Place plus Lodging       | <input type="checkbox"/> School Feeding / Catering   |
| <input type="checkbox"/> Bed & Breakfast          | <input type="checkbox"/> Eating Place Mobile             | <input type="checkbox"/> Sr. Citizen Meal Satellite  |
| <input type="checkbox"/> Bottle Club              | <input type="checkbox"/> Eating Place Takeout            | <input type="checkbox"/> Sr. Citizen Meal Commissary |
| <input type="checkbox"/> Campground               | <input type="checkbox"/> Eating Place / Vending Machine  | <input type="checkbox"/> Soup Kitchen                |
| <input type="checkbox"/> Catering Establishment   | <input type="checkbox"/> Jails (Correctional Facilities) | <input type="checkbox"/> Temporary Food Service      |
| <input type="checkbox"/> Cottages                 | <input type="checkbox"/> Lodging Place                   | <input type="checkbox"/> Trip & Travel Youth Camp    |
| <input type="checkbox"/> Day Youth Camp           | <input type="checkbox"/> Residential Youth Camp          | <input type="checkbox"/> Vending Machine             |
| <input type="checkbox"/> Eating Place (seats)     | <input type="checkbox"/> School Feeding Satellite        | <input type="checkbox"/> Vending Machine Commissary  |
| <input type="checkbox"/> Eating Place and Caterer | <input type="checkbox"/> School Feeding                  | <input type="checkbox"/> Vending Machine Location    |

Number: Seats \_\_\_\_\_ Camping Sites \_\_\_\_\_ Rooms \_\_\_\_\_ Cottages \_\_\_\_\_ Vending Machines \_\_\_\_\_ Pools \_\_\_\_\_ Hot Tubs \_\_\_\_\_  
 Youth Campers: Boys \_\_\_\_\_ Girls \_\_\_\_\_ Staff \_\_\_\_\_

**NOTE: Eating Places & Lodging Places located in South Portland, Lewiston, and Auburn and Eating Places in Portland only pay a flat fee of \$60.00.**

**4. Business Owner Information:**

Please check one:     Corporation, LLC     Individual     Partnership     Association     Other

Corporation, Association or LLC Name \_\_\_\_\_

Individual or Partnership Name(s) \_\_\_\_\_

Contact Person's Name \_\_\_\_\_ Contact Phone # \_\_\_\_\_

**5. Mailing Address for License & Renewal Notices:**

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

**6. Previous Owner's Information:**

Former Owner's Name \_\_\_\_\_ Former Business Name \_\_\_\_\_

**7. Signatures:**

Applicant's Signature \_\_\_\_\_ Print \_\_\_\_\_

Date of Application \_\_\_\_\_ Planned Opening Date \_\_\_\_\_

**8. Water:**

- a. Does your water come from a city or town water supply?     Yes     No  
 If yes, provide the name of the city or town water supplier to whom you pay your water bill \_\_\_\_\_
- b. Are you regulated by the State Drinking Water Program as a public water system?     Yes     No  
 If yes, please provide your PWSID # \_\_\_\_\_
- c. Do you get your water from a well on your property that is not regulated by the Drinking Water Program?     Yes     No

**9. Is Wastewater disposal to a private system:** (Not maintained by a municipality)  Yes  No If yes, please contact the Subsurface Wastewater Program at: 207-287-5672, for further information and requirements, and refer to the form entitled "Septic Review Requirements for an Eating and Lodging License"

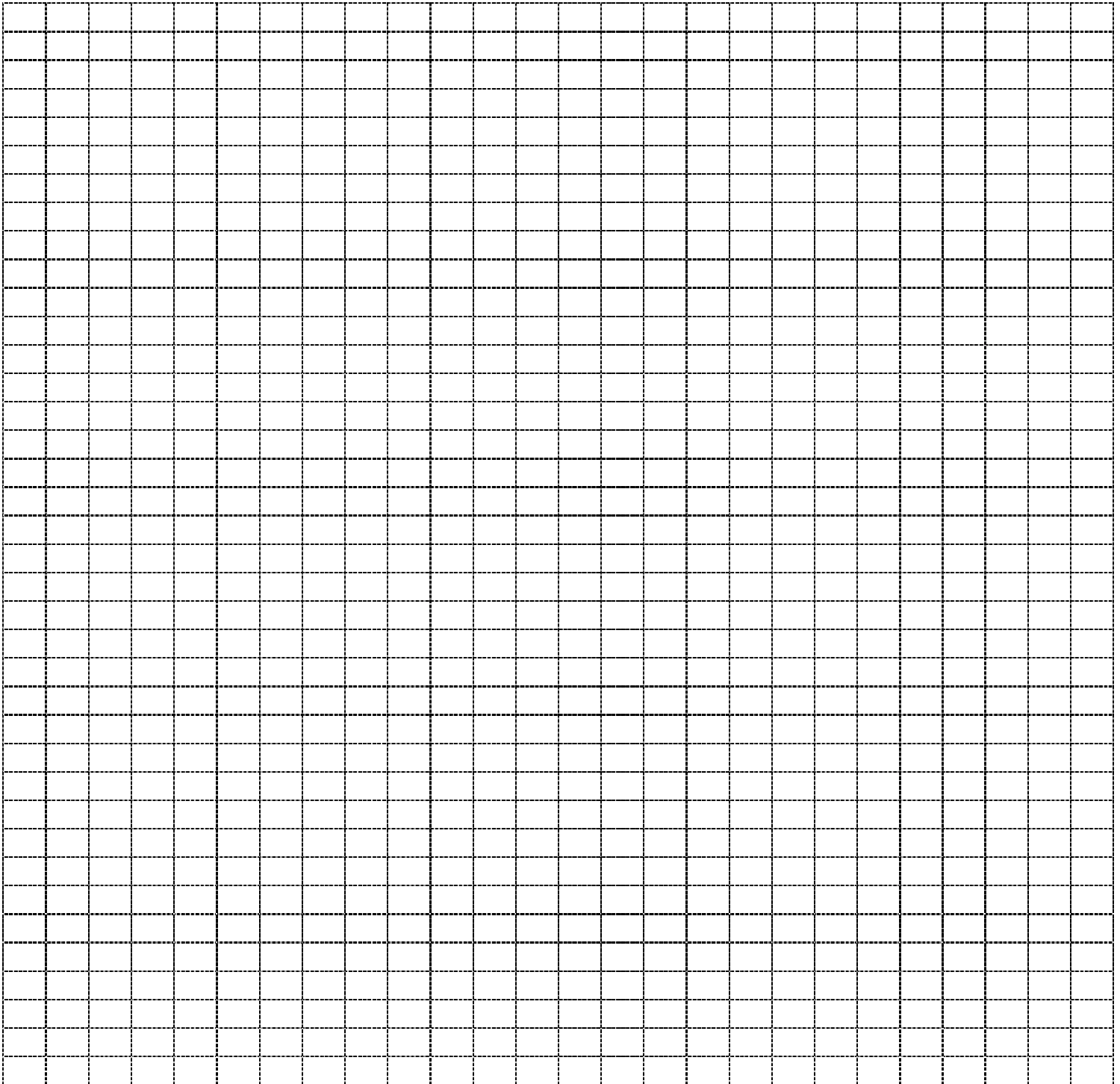
**MAKE CHECKS PAYABLE TO TREASURER, STATE OF MAINE, AND REFER TO FEE SCHEDULE ON PAGE 4.**

**Please provide a menu or draft menu**

Please complete the table below by filling in the blanks, and placing a check mark where applicable to your business plan.

COLD STORAGE		PROPOSED OPERATING HOURS			SERVICE PROVIDED	
Walk-in Cooler		Sunday:	AM/PM	AM/PM	Take-out	
Reach-in Refrigerator		Monday:	AM/PM	AM/PM	Buffet	
Closed Display Refrigerator		Tuesday:	AM/PM	AM/PM	Sit-Down	
Open Display Refrigerator		Wednesday:	AM/PM	AM/PM	Delivery	
Refrigerated Buffet Unit		Thursday:	AM/PM	AM/PM	Window	
Beverage Cooler		Friday:	AM/PM	AM/PM	Catering	
Refrigerated Food Prep. Unit		Saturday:	AM/PM	AM/PM	Other	
Rapid Pull-down Refrigerator						
Walk-in Freezer		KITCHEN EQUIPMENT & SINKS (Numbers)			TOILET FACILITIES	
Reach-in Freezer		Ice Machine(s)			Number of Fixtures:	
Closed Display Freezer		Warewashing Sink(s) with 3 basins			<b>Men's Bathroom</b>	
Open Display Freezer		Warewashing Sink(s) with 2 basins			Water Closets (toilet)	
Freezer Buffet Unit		Hand washing Sink(s)			Urinals	
Other		Utility Sink(s)			Lavatories (sink)	
<b>DRY STORAGE</b>		Food Prep Sink(s)				
Metal Shelves		Warewashing Machine(s)			<b>Women's Bathroom</b>	
Wooden Shelves		Microwave(s)			Water Closets (toilet)	
Plastic Shelves		Hot Holding				
Cabinets		Oven(s)			Lavatories (sink)	
Bins (food grade)		Other				
Barrels (food grade)		<b>LIQUOR SERVICE</b>			<b>Employee Bathroom</b>	
Bulk		Beer			Water Closets (toilet)	
Pallets		Wine			Urinals	
Other		Mixed Drinks			Lavatories (sink)	
		Other				
					<b>Other (describe)</b>	
<b>CERTIFIED FOOD HANDLERS</b>		<b>PLUMBING:</b>				
Name:	Certificate Date:	Internal Permit #				
Name:	Certificate Date:	External Permit #				
Name:	Certificate Date:	Building Permit #				
Name:	Certificate Date:	Electrical Permit #				
Name:	Certificate Date:					
Additional Information:						
Please provide a copy of your menu or draft menu						

**Issuance of license is subject to a satisfactory compliance inspection.**  
 NOTICE: Incomplete applications will be returned.



Each square is approximately ¼ inch by ¼ inch. Please include square Footage.

Floor plan should include the following items:

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas
2. Ware Washing	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas
3. Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Other	5. Break Rooms/Office
6. Other			6. Equipment/Counters/Seats/Tables
			7. Dry Storage/All Other Storage



ESTABLISHMENT TYPE	BASE FEE	ADD ON FEE	MAXIMUM FEE
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Note: Two fee categories for Bed and Breakfast Establishments.

Note: Eating Places in Portland, South Portland, Lewiston, and Auburn pay a flat fee of \$60.00.

<b>Agricultural Fair Campground</b>	<b>\$125.00</b>	<b>None</b>	
<b>Bed &amp; Breakfast (5 or less rooms)</b>	<b>\$45.00</b>	<b>None</b>	
<b>Bed &amp; Breakfast (6 + rooms)</b>	<b>\$45.00</b>	<b>\$2.00 / Room</b>	<b>\$175.00</b>
<b>Bottle Club</b>	<b>\$45.00</b>	<b>\$3.00 / seat</b>	<b>\$175.00</b>
<b>Campground</b>	<b>\$45.00</b>	<b>\$1.00/Site+\$3.00/Cottage</b>	<b>\$175.00</b>
<b>Catering Establishment</b>	<b>\$75.00</b>	<b>None</b>	
<b>Cottages</b>	<b>\$45.00</b>	<b>\$3.00 / Cottage</b>	<b>\$175.00</b>
<b>Day Youth Camp</b>	<b>\$45.00</b>	<b>None</b>	
<b>Eating &amp; Lodging Place</b>	<b>\$45.00</b>	<b>\$3/ seat + \$2 /room</b>	<b>\$175.00</b>
<b>Eating Place / Catering (seats)</b>	<b>\$45.00</b>	<b>\$3.00 / seat</b>	<b>\$175.00</b>
<b>Eating Place Mobile</b>	<b>\$60.00</b>	<b>None</b>	
<b>Eating Place (seats)</b>	<b>\$45.00</b>	<b>\$3.00 / seat</b>	<b>\$175.00</b>
<b>Eating Place Take Out (no seats)</b>	<b>\$75.00</b>	<b>None</b>	
<b>Eating Place Temporary</b>	<b>\$45.00</b>	<b>None</b>	
<b>Eating Place / Vending Machine</b>	<b>\$45.00</b>	<b>\$3.00 / seat</b>	<b>\$175.00</b>
<b>Jails (Correctional Facilities)</b>	<b>\$50.00</b>	<b>None</b>	
<b>Lodging Place</b>	<b>\$45.00</b>	<b>\$2.00 / Room</b>	<b>\$175.00</b>
<b>Mass Gathering</b>	<b>\$100.00 - \$750.00</b>	<b>None</b>	<b>\$750.00</b>
<b>Recreational Camp</b>	<b>\$75.00</b>	<b>None</b>	
<b>Residential Youth Camp</b>	<b>\$90.00</b>	<b>None</b>	
<b>School Feeding</b>	<b>\$100.00</b>	<b>None</b>	
<b>School Feed / Catering</b>	<b>\$100.00</b>	<b>None</b>	
<b>School Feed / Satellite</b>	<b>\$100.00</b>	<b>None</b>	
<b>Sr. Citizen Meal Commissary</b>	<b>\$40.00</b>	<b>None</b>	
<b>Sr. Citizen Meal/Satellite</b>	<b>\$30.00</b>	<b>None</b>	
<b>Soup Kitchens</b>	<b>\$50.00</b>	<b>None</b>	
<b>Temporary Campground</b>	<b>\$125.00</b>	<b>None</b>	
<b>Trip &amp; Travel Youth Camp</b>	<b>\$45.00</b>	<b>None</b>	
<b>Vending Machine</b>	<b>\$45.00</b>	<b>None</b>	
<b>Vending Machine Commissary</b>	<b>\$75.00</b>	<b>None</b>	
<b>Vending Machine Location</b>	<b>\$5.00 / Location</b>	<b>None</b>	

\*\*\*\*\*

MISCELLANEOUS FEES PER ESTABLISHMENT

<b>Reprint license</b>	<b>\$10.00</b>
<b>Late renewal</b>	<b>\$25.00</b>
<b>Non profit / courtesy inspection</b>	<b>\$15.00</b>
<b>Holding fee</b>	<b>\$10.00</b>
<b>Additional inspection</b>	<b>\$35.00</b>

Pursuant to Title 22 M.R.S.A. § 2501, Nonprofit organizations including, but not limited to, 4-H Clubs, scouts and agricultural societies shall be exempt from department rules and regulations relating to dispensing foods and nonalcoholic beverages at not more than 12 public events or meals within one calendar year. For the purposes of these rules, 12 public events are interpreted to mean monthly, but in no case more than 12 events per year. In those instances, the establishment shall be licensed as provided in these rules.

MAKE CHECK PAYABLE TO:      TREASURER, STATE OF MAINE (Fee Non-Refundable)

PLEASE MAIL TO:                DHHS / ENVIRONMENTAL HEALTH DIVISION  
 HEALTH INSPECTION PROGRAM  
 286 WATER STREET, KEY PLAZA, 3<sup>RD</sup> FLOOR  
 11 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0011

Please find a State of Maine Food Code Summary attached for your review.

- All food service establishments must obtain a license from the Department of Health and Human Services.
- The license must be posted in the food service establishment for view by consumers and regulators.
- There must be a designated Person In Charge able to demonstrate knowledge of safe food handling.
- Water must be supplied from an approved source. (Provide current documents for private wells.)
- An ample supply of hot water (110° F) to meet peak demands shall be provided. (This is normal hot water temperature. Higher temperatures are required for hot water sanitization.)
- Food service establishment operations must not be conducted in a private home. (No home kitchen food preparation.)
- Food employee's health must not present risk of food contamination.
- Employees must keep themselves clean, including hands, fingernails, and outer clothing.
- Food must be from approved sources, stored at proper temperatures, and protected from contamination.
- All food preparation areas and warewashing areas must be provided with hand cleaning facilities.
- Handwashing sinks must be provided with hot water, hand soap, and disposable single use towels.
- Warewashing sinks must be provided for all food service establishments that use equipment, utensils, or dishware that is required to be washed, rinsed, and sanitized.
- Employee toilet facilities are required for all food service establishments. (Mobile establishments are required to have toilet facilities available.)
- Customer toilet facilities are required for establishments with more than 12 seats. (Additional requirements, if alcohol is served.)
- All surfaces in food preparation areas shall be smooth, durable, easily cleanable, and non-porous.
- All cold holding equipment must maintain 41° F or colder. (Thermometers required.)
- All hot holding equipment must maintain 140° F or hotter. (Thermometers required.)
- There are use limitations for cast iron, lead, copper, galvanized metal, sponges, wood, and nonstick coatings.
- Food ingredient containers must be labeled. (Ingredient name, and dated, if perishable.)
- All food and non-food contact surfaces must be kept clean, and food contact surfaces must be sanitized.
- Clean wiping cloths in chemical sanitizing solution must be readily available in all food preparation areas and used to wipe food contact surfaces. (A test kit is required for proper sanitizing solution concentration.)
- Raw fruits & vegetables must be washed. (Prior to being cooked, or served ready to eat.)
- Self-service, ready-to-eat food must be monitored and protected from customer contamination.
- Ventilation is required when cooking. (Fire suppression equipment may be required.)
- All windows, doors, and openings must provide protection from insects, rodents, and animals.
- Animals are not allowed on the premises. (Rare exceptions.)
- Consumer advisory is required when serving raw or undercooked foods.
- All plumbing must be according to law. (Provide documents, i.e. plumbing permits.)
- A service sink (mop sink) is required in all permanent food service establishment structures.
- Mobile establishments must use approved water and waste water tanks.
- Lighting must be provided, and light bulbs in food areas must be shielded.
- A copy of the Maine Food Code and the most recent inspection report should be available for reference at all times.

FOR A COMPLETE COPY OF THE MAINE FOOD CODE  
CONTACT THE HEALTH INSPECTION PROGRAM AT (207) 287-5671

or

DOWNLOAD A COPY FROM: <http://www.maine.gov/dhhs/eng/el>

Subject: RE: Municipal Ordinances and the State - Town of Chebeague Island  
Date: Mon, 16 Aug 2010 17:51:03 -0400  
From: "Brown, Lisa (HIP)" <Lisa.Brown@maine.gov>  
To: "Herb Maine" <Herb.Maine@smemaine.com>  
Cc: "Libby, David L." <David.L.Libby@maine.gov>

Dear Mr. Maine,

Thank you for your email. Please see answers to your questions below. Your District Health Inspector is David Libby. He can be contacted at 592-9835 and his email is [david.L.Libby@maine.gov](mailto:david.L.Libby@maine.gov)

If you have any further questions please don't hesitate to call David or me.

Sincerely,

Lisa Brown  
Program Director  
Health Inspection Program  
Key Bank Plaza 3rd Floor  
11 SHS  
Augusta, Maine 04333-0011  
207-287-5691  
[lisa.brown@maine.gov](mailto:lisa.brown@maine.gov)

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**From:** Herb Maine [mailto:Herb.Maine@smemaine.com]  
**Sent:** Thursday, August 12, 2010 4:52 PM  
**To:** Brown, Lisa (HIP)  
**Subject:** Municipal Ordinances and the State - Town of Chebeague Island

Dear MS. Brown,

I am working on behalf of the Board of Selectmen in the Town of Chebeague Island, Maine. As you may know became a town in 2007 and have a lot of work to do on our

ordinances. I am working on an ordinance review committee and in particular on reviewing and making recommendations for a Victualers ordinance.

At a Board meeting last evening there was considerable discussion about how much regulation and particularly how much on-site inspection occurs by state agencies overseeing various food preparation operations. We have the usual array of Maine food-related establishments on the island. The Board's criteria for having an victualers ordinance and how detailed it needs to be appears to be based on how much the State does as a matter of course.

I have reviewed the various application forms and have the following questions:

HHE-602 page 2 "Issuance of license is subject to a satisfactory compliance inspection"

Does this mean that the facility of every applicant is visited by a State insepector? [Yes, new applicants must submit this application 30 days in advance of operation. They cannot operate until a state inspector has conducted an inspection.](#)

If there is does the inspection occur every year? [By statute Title 22 Chapter 562 Camping Areas and Eating Establishments §2497 "The department shall make an inspection of the premises of any establishment licensed under this chapter at least once in each year".](#)

Would it be reasonable to put in a municipal ordinance that the town use HHE-602 as its application for Victualers License (rather than filling out a separate one as they do now)? [Our application has items on it that may not apply to your town ordinance. You may copy to fit your needs but the Town's application cannot replace the state's application, inspection and license.](#)

Would it also be reasonable to require the applicant to supply the town with the results of any inspections done by state officials? [All licenses must be posted visible to the public and the business owner must make the inspection report available to the public upon request. You may also contact our offices and we can send you the most recent inspection reports.](#)

There seems to be a broad spectrum in municipalities regarding inspections and many require local inspectors. The Board does not want to burden businesses with redundant inspections but does have an interest in assuring basic public safety. Any advice, direction or recommendation you could offer us would be greatly appreciated. I will pass your responses directly on to the Board.

Regards,  
Herb Maine, Chebeague Island, Maine

To: Board of Selectmen  
From: John Wilson, (Ordinance Review Committee)  
Cc: Scott Seaver  
Date: 08/26/2010  
RE: Proposed Ordinance Establishing Capital Planning & Finance Committee

Current Status: The Board of Selectmen (BOS) is responsible for annual budgeting and capital planning over the longer term. There is no provision in Town ordinances for a committee that might provide assistance to the Board in these matters.

Perceived Need: As is true in every town, Chebeague Island's infrastructure will need to be repaired, replaced, and/or augmented in the coming years. The BOS must recommend to Town Meeting which projects to undertake and to what extent, when to undertake them, and how to finance the costs, considering the impacts on both the tax rate and the level of indebtedness. Doing the research and analysis on capital planning while also running the Town on a daily basis and assembling annual operating budgets is a huge and formidable task. A Capital Planning & Finance Committee (CPFV) could help the BOS by performing research and analysis on the Town's infrastructure needs and helping to design long-term capital expenditure plans, including how expenditures might be financed.

Benefits: The BOS would be able to focus on the operational and budgeting tasks at hand, but also be able to make clear decisions on future capital expenditures to recommend to Town Meeting using CPFV-provided data and analysis. The BOS could avail itself of talents and skills in the community for assistance at close to no cost.

Risks: This would be yet another committee to populate and hear from. There is potential for community confusion as to roles, responsibilities, and authority of an appointed (not elected) committee.

Research: China, Biddeford, Bethel, Sebago, and Pownal are among the many towns that have similar ordinance-established standing committees to the one proposed; committees are variously named Capital Improvements, Capital Projects/Operations, Capital Investment Program, among others.

Options: Towns also have budget committees that review, recommend, and approve annual budgets; Portland, Topsham, Skowhegan, Lewiston, Gray, and Surry are among those. Of interest is West Bath's budget committee that was recently charged with establishing a 5-year capital improvement budget, thus providing both budgeting and capital planning.

Recommended Action: Establishing a CPFV would remove some research and analysis burden from the BOS and Town Administrator. Chebeague's size and relative lack of complexity reduces the need for a budget committee that focuses on annual operating

budget review and recommendations. A CPFV with a long-run view on capital expenditures and their fiscal impacts annually and over the long term would help the BOS in their budget deliberations, and also help frame the necessary town-wide discussions on the directions that capital expenditure programs would take.

Chapter ?

Article I – Capital Planning & Finance Committee Ordinance

# CAPITAL PLANNING & FINANCE COMMITTEE ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Board of Selectmen:

Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

Chapter ?

Article I – Capital Planning & Finance Committee Ordinance

SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “Capital Planning & Finance Committee Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a standing committee in the Town of Chebeague Island, Maine to be known as the Capital Planning & Finance Committee and shall be referred to herein as “the Committee”. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001.

SECTION 103. ORGANIZATION AND ADMINISTRATION

- a) **Membership.** The Committee shall consist of three members who shall be appointed by the Board of Selectmen.
- b) **Term.** Members shall serve for terms of 3 years, staggered such that no more than one member’s term expires each year.
- c) **Chairman.** The Committee shall elect a Chairman from among its members. The Chairman shall call meetings as required by this Ordinance, or as necessary or when so requested by a majority of members or the Board of Selectmen. The Chairman shall preside at all meetings.
- d) **Secretary.** The Committee shall elect a Secretary. The Secretary shall maintain a record of all proceedings including all correspondence of the Committee and regularly submit the records to the Town Clerk.
- e) **Subcommittees.** The Committee may, with majority approval from the municipal officers, establish and populate sub-committees, ad hoc or standing, to address specific areas of capital planning.
- f) **Notice.** All meetings shall be held in a public place and scheduled through the Town Administrator who shall provide reasonable notice.
- g) **Quorum.** A quorum necessary to conduct business shall consist of at least a majority of members.
- h) All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-410.

SECTION 104. DUTIES OF THE COMMITTEE

- a) The primary duty of the committee is to advise the Board of Selectmen by (1) identifying long-term capital needs, (2) researching and developing long-term capital expenditure plans and/or options for town facilities and infrastructure, (3) researching finance options, and (4) analyzing the fiscal impacts thereof. Town facilities and infrastructure include:
  - **Public buildings;** fire station, town offices, public works structures, transfer station, school, and others as may be constructed or acquired.



Chapter ?

Article I – Capital Planning & Finance Committee Ordinance

- **Transportation facilities;** public wharves and landings, roads and parking areas, and others as may be constructed or acquired.
  - **Public works equipment.**
  - **Public safety equipment.**
  - **Town administrative equipment.**
  - **Town-owned land.**
- b) The Committee shall work in cooperation with the Board of Selectmen, Town Administrator, Road Commissioner, Fire Chief, and School Superintendent as it identifies capital needs and develops capital expenditure plans.
- c) The Committee may adopt rules of procedure not inconsistent with this Ordinance.
- d) The Board of Selectmen and town staff shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its duties under this Ordinance. The town staff shall also provide assistance updating electronic records as necessary.

SECTION 105. AUTHORITY OF THE COMMITTEE

The Committee's authority shall be advisory only. The Board of Selectmen may use any or all parts of the Committee's capital expenditure plans at their discretion.

SECTION 106. AMENDMENTS

This Ordinance may be amended by Town Meeting.

SECTION 107. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

To: Board of Selectmen  
 From: Herb Maine, (Ordinance Review Committee)  
 Cc: Scott Seaver  
 Date: 07/28/2010  
 RE: Proposed Ordinance to Form a Road Plan Committee – FIRST READING

The attached draft ordinance language recommends a three-person committee (3 month term). The scope is limited to updating the Road Plan. The schedule (July 1<sup>st</sup> – Oct 1<sup>st</sup>) is intended to dovetail with the budget process and allow summer residents to participate.

Current Status: The work accomplished by the Road Plan Task force in 2009-2010 included an inventory of road sections and a road survey utilizing the MDOT’s Road Surface Management System; a software application to aid municipalities in maintaining its road network. With the issuing of its report on 5/23/2010 and subsequent presentation to the Board of Selectmen the task was force was dissolved.

Perceived Need: In section 3c of the report it is recommended that the Board of Selectmen “Provide a means to update the plan annually”. The attached ordinance is being proposed because: 1) no such means is currently identified, 2) the three-person task force was a successful working arrangement and 3) The MMA encourages establishing standing committees by ordinance.

*For explicit goals, responsibility and authority, you will want to pass a "Road Committee Ordinance," suggests MMA Staff Attorney Joseph Wathen.*  
 - Maine Townsman Article 1991

Benefits: The benefits include: a dedicated body making recommendations using more than fiscal criteria, possibility of allowing summer residents a way to participate, fresh look each year (with a Road Commissioner providing continuity).

Risks: One more committee to populate and the ordinance requires the Board to essentially reestablish the committee each year.

Research:

[Establishing A Road Committee, Jo Josephson, Maine Townsman, April 1991](#)

[ON THE ROAD AGAIN... ,James Katsiaficas, Maine Townsman, March 1999](#)

A Google search yielded references in the following Maine towns to a Road Committee: Phippsburg, Alfred, Manchester (9 person 1 year terms), Buckfield (5 person), Acton (elected 2 yr term), Monteville, Mercer ( person), Sumner, Belgrade (9 person new in 2009), Readfield(6 people 3 year), Wilton (5 person), Turner (8 seats, 6 filled) China (5 person, 1 year term) and many others.

The Road Committe is a five member committee appointed by the Board of Selectmen to advise the Board on road issues and assist the Road Commissioner in developing a plan to maintain the integrity of our town roads.  
 - Buckfield, Maine

Ephrem Paraschak, Town Manager in Denmark, Maine graciously provided us with a copy of their ordinance (attached) and the following advice:

*“The only problem I have consistently heard about having a road committee is that it can be heavily weighed down by special interests. Right now we are having trouble finding members because the original members had their road fixed and are no longer interested in serving on the committee. Finding individuals that are willing to serve without bias would probably be the biggest hurdle.”*

The Road Committee meets, in conjunction with the Denmark Public Works Department, to examine the infrastructure of the Town of Denmark. The committee looks at the status of all town roads and recommends repair or capital improvement projects for the coming year.

- Denmark, Maine

This advice has partly informed the decision to make this committee small and keep the scope limited.

The ordinance and draft of this memo was reviewed by Jerry Douglas of the Maine Local Roads Center. His comment: *“I looked at your documents and I also had someone else look at them and nothing jumped out at us that was worthy of noting or changing. The ordinance is pretty straight forward and easy to understand...”*

Options:

- Adopt the proposal and approve the draft as a Selectmen ordinance.
- Adopt the proposal and place ordinance on warrant for Town Meeting.
- Modify the draft, hold public hearing etc.
  
- Adopt the concepts of the ordinance as a committee charge and form a committee in a less formal way without an ordinance (i.e. ad hoc committee, road commissioner duty).
  
- Expand the scope of the committee to include other aspects of the road network such as recommending construction standards, recommending policy such as road openings, recommending financing options.
  
- Take no Action

Recommended Action:

The recommended immediate action is to adopt the draft accompanying this memo as a Selectmen ordinance and appoint 3 members for 2010-2011 even though it would be a late start on the process which is intended to begin in July.

# ROAD PLAN COMMITTEE ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Board of Selectmen:

Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

## SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “Road Plan Committee ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

## SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a standing committee in the Town of Chebeague Island, Maine to be known as the Road Plan Committee and shall be referred to herein as “the Committee”. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001.

## SECTION 103. ORGANIZATION AND ADMINISTRATION

- a) **Membership.** The Committee shall consist of three members who shall be appointed by the municipal officers. No technical experience is required but members must commit to understanding MDOT guidance.
- b) **Appointment.** The Committee shall be appointed by the Board of Selectmen and serve at the Board’s pleasure from July 1 until October 31 of each year. The Board reserves the right to reconvene the committee between November 1 and June 30 (of the same fiscal year).
- c) **Term.** Members shall serve for terms of 1 year.
- d) **Chairman.** The Committee shall elect a Chairman from among its members. The Chairman shall call meetings as required by this Ordinance, or as necessary or when so requested by a majority of members or the municipal officers. The Chairman shall preside at all meetings.
- e) **Secretary.** The Committee shall elect a Secretary. The Secretary shall maintain a record of all proceedings including all correspondence of the Committee and regularly submit the records to the Town Clerk.
- f) **Notice.** All meetings shall be held in a public place and scheduled through the Town Administrator who shall provide reasonable notice. The committee may also convene in a vehicle for the purpose of conducting a road survey as prescribed in this Ordinance. Road survey tasks do not require notice but the dates, participants and collected data must be documented in the Road Plan.
- g) **Quorum.** A quorum necessary to conduct business shall consist of at least a majority of members. Road survey tasks require full committee participation.
- h) The **municipal officers and town staff** shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its duties under this Ordinance. The town staff shall also provide assistance updating electronic records as necessary.
- i) All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-410.

SECTION 104. DUTIES OF THE COMMITTEE

- a) The primary duty of the committee is to update the Road Plan each year and submit it to the Road Commissioner and the Board of Selectmen for their use in developing the annual budget.
- b) The Committee shall work in cooperation with the Road Commissioner who must approve the Road Plan before it is submitted to the Board of Selectmen.
- c) The Committee may adopt rules of procedure not inconsistent with this Ordinance.
- d) The Committee shall review and update, if necessary, the inventory of paved and gravel town owned roads.
- e) The Committee shall conduct a road survey and update the electronic records for each road section using MDOT road survey methodologies.
- f) The Committee shall analyze the status of each road section and set priorities in accordance with MDOT guidelines for each section.
- g) The Committee shall prepare a long-term schedule that includes the maintenance of all road sections with estimated costs and financing options.
- h) The Road Plan is a document whose main purpose is to inform the annual budget process, especially as it may relate to a capital improvement and maintenance plan. Central to the purpose are clear and concise recommendations that should be based on sound methods and well-reasoned analysis.

The Road Plan shall have at a minimum the following sections:

- a. Introduction
- b. Repair Strategies
- c. Priorities
- d. Programs and Budget
- e. Financing Options
- f. Specific Budget and Administrative Recommendations
- g. Long Term Road Network Financial Plan

Sections b, c and d provide simple descriptions of existing programs and accepted practices and the committee’s approach to integrating these into the plan. Sections e and f are the findings of the committee expressed as tasks and options for funding the proposed work in the next fiscal year. Section g provides a long term plan listing recommended tasks and costs associated with all road sections in the inventory.

SECTION 105. AUTHORITY OF THE COMMITTEE

The Committee's authority shall be advisory only. The Board of Selectmen may use any or all parts of the Road Plan at their discretion.

SECTION 106. AMENDMENTS

This Ordinance may be amended by the municipal officers or Town Meeting at any properly noticed meeting.

SECTION 107. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

To: Board of Selectmen  
 From: Herb Maine, (Ordinance Review Committee)  
 Cc: Scott Seaver  
 Date: 08/25/2010  
 RE: Proposed Ordinance addition to the Selectmen's Ordinance

Current Status: Currently the Code of Ordinances mentions a fee or fine 66 times. Of those 38 are fixed specifically in the text and 27 either have no dollar amount attached (referring them to the 'Town Council' or Board of Selectmen) or have an amount but explicitly allow the Selectmen to adjust them. There is at least one place in the zoning ordinance (CH 17 Art. II 206.5 C) that appears to be ambiguous.

Perceived Need: The Board has never taken up the fees referred to them in the ordinances, presumably because there was no efficient way to address them.

Benefits: (1) Provide a clear and unambiguous schedule of fees and fines, avoiding confusion and misinformation. (2) Allow the Board to adjust the fees and review them efficiently.

Risks: It could be seen as a risk that conveying too much freedom with too little direction to the Board of Selectmen might require (or at least encourage) the Board to act outside of its authority. (See Page 50 of MMA's Municipal Officers Manual for an example).

Research: MMA guidance implies that ordinances should supply guidance and not just leave it up to the municipal officers. This has been addressed by limiting the amount a fee can be changed in any one year.

"To avoid an improper delegation of legislative authority to the municipal officers, the ordinance containing the delegation must provide standards which are specific enough to guide the municipal officers in making their decisions."

"For example, a solid waste ordinance which delegates to the municipal officers the authority to set fees and penalties may not be valid."

- Page 50 MMA Municipal Officers Manual

Other research included reviewing the ordinances and fee schedule for **Long Island**. Some fees are set, some are referred to the Selectmen (See Chapter 12 Garbage, Waste and Junk) and some are explicitly not allowed (see Chapter 10 Fire Prevention). Chapter 13.4 Harbor and Waterfront sets mooring registration fees but requires the Selectmen to review annually and adjust if necessary. The Town maintains a one-page fee schedule that does not include references to ordinances or represent a comprehensive listing of the fees. Some examples from the Long Island Code of Ordinances:

*"A permit shall be required for all non-residential signs, and the fee will be set by the selectmen"* **Chap. 14 Art. 7 Sec. 7.18**

*"Permits issued by the CEO shall be required for the use or storage of any temporary structure. The fee shall be determined by the selectmen."* **Chap. 14 Art. 7 Sec. 7.20B**



*“[Mooring] Registration fees to be reviewed annually and adjusted, if necessary, by the Board of Selectmen.*

*Personal use by resident or Non-resident taxpayer: \$25.00  
 Personal use by non-resident: \$40.00  
 Rental use: \$40.00”*

**Chap. 13.4 Sec. 4.2**

Chapter 15 is the Licenses and Permits ordinance and sets some general fees explicitly. The language is directly out of the Portland Code and still refers to the ‘Council’.

West Bath ordinances and fee schedule were also reviewed. While West Bath tended to have fines defined in the ordinance language fees were not. The Land Use Ordinance explicitly empowers the Selectmen to create a fee schedule but also refers to a “West Bath PLANNING BOARD Fee Schedule” (Art. VI Sec 6.1B) regarding a subdivision application fee. This ordinance language tends to refer to ‘required fees’ implying that somebody has set one.

*Fees – For the purpose of defraying normal costs associated with the processing of applications by the Town, the Selectmen may establish a fee schedule, subject to annual review, setting forth fees to be collected by the Town from applicants for each type of approval or permit required under this Ordinance. Any approval or BUILDING permit obtained after the use or BUILDING has commenced shall be assessed three (3) times the normal fee. **West Bath Land Use Ordinance: ART. V-B2***

West Bath’s mooring fees are “assessed according to the Town of West Bath’s Mooring Registration Application” and no explicit authorization to set the fee is mentioned. While the ordinance doesn’t say who creates the application form the Harbormaster is clearly the authority figure in this section. Again fines are fixed in the language. The Town maintains a fee schedule available on their web site.

Recommended Action:

The recommendation is to adopt for inclusion in the next Town Meeting warrant the proposed additional bullet (S) to Chap. 11 Art. II Sec. 109 that empowers the Board to modify fees annually and to adopt the draft fee schedule document after a review of the fees.

Furthermore it is recommended that as other Town ordinances are reviewed in the future that consideration be given to using the Board’s authority by referring fees and fines to the Board citing the proposed Chap. 11 Art. II Sec. 109S.

~~8:45:00 AM 8/10/2010 5:25:00 PM~~

Chapter 11 – Administrative Code  
Article I – Board of Selectmen

# BOARD OF SELECTMEN ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Town Meeting:

Effective:

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

Chapter 11 – Administrative Code  
Article I – Board of Selectmen

SECTION 101. NUMBER OF SELECTMEN; ELECTION; TERM

The administration of all fiscal and prudential affairs of the town, with the government thereof, except as otherwise provided by statute or local ordinance, shall be vested in one body of five members, which shall constitute and be called the Board of Selectmen. The Board of Selectmen shall be elected at large by paper ballot at the Annual Town Meeting to serve one to three year terms initially and staggered, three year terms thereafter. Elections shall be determined by majority vote. Length of initial terms shall be determined as follows: the two nominees receiving the greatest number of votes shall each serve for three years; the two nominees receiving the next greatest number of votes shall each serve two years; the fifth receiving the next greatest number of votes shall serve one year. All members of the Board shall be residents of the Town of Chebeague Island, and shall be sworn in the manner hereinafter prescribed. Each member shall serve until a successor is elected and qualified.

SECTION 102. COMPENSATION

Selectmen shall receive \$50.00 for each Board meeting attended, not to exceed in the aggregate \$1,200 per year in full for their services, and shall be paid quarterly. Such compensation shall be changed by ordinance, but no such ordinance increasing the salary of members of the Board of Selectmen shall take effect during the then-current municipal year.

SECTION 103. RECALL

Upon written request from one or more qualified voters of the town, the Town Clerk or Deputy Town Clerk shall issue appropriate, blank petition forms for the commencement of proceedings to recall a Selectman, or any other elected town official except a member of the Committee. All copies of the petition shall contain the name of the person or persons who obtained the petition. The petition shall state the name and office, or offices, of the person whose removal is being sought and a statement of general or detailed reasons for seeking removal. Each petition shall be limited to the recall of a single individual. All pages of a single petition shall be filed as one document. Each page of the petition shall provide a space for the voter's signature, address and printed name.

Any petition issued by the Clerk must be returned and filed with the Clerk no later than thirty (30) days from the date of issuance. The petition shall be signed in the presence of a Notary Public by the individual or individuals who requested the petition. Within ten (10) days after the circulation period ends, the Clerk shall certify to the Board of Selectmen whether the petition has been signed by not less than the greater of 10 registered voters of the town or ten percent (10%) of voters of the municipality in the last gubernatorial election as provided in statutes. Should less than the required registered voters of the town sign the petition, the petition will be null and void and the voter(s) who filed the petition will be notified. The petition shall be in full force and effect.

PAGES 3,4 and 5 HAVE  
NOT BEEN REPRINTED  
FOR THIS PACKET

Chapter 11 – Administrative Code  
Article I – Board of Selectmen

during any time that vacancies exist on the Board, provided that it fulfills the quorum requirements of Section 107.

SECTION 109. ENUMERATION OF POWERS

The Board of Selectmen shall have all executive and quasi-judicial powers and duties as authorized by constitutional provisions, statutes, and articles/ordinances/documents set by town meetings. The Board of Selectmen shall have power to:

- (A) Appoint the Town Administrator for an initial term not to exceed three years, reappoint the Town Administrator for additional terms not to exceed three years, and remove the Town Administrator prior to the expiration of his term after due process and for cause by a majority of its members. At least thirty (30) days before such removal shall become effective, the Board shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for the Administrator's removal. The Administrator may reply in writing and may request a hearing. After such hearing if one be requested, and after full consideration, the Board by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the Administrator from duty, and may continue to pay the regular salary of the Administrator during the period of suspension. If the Board votes to remove the Town Administrator, it shall pay the Administrator any unpaid balance of his salary for the current calendar month. The Board shall review at least annually the performance of the Town Administrator and present said review to the Town Administrator in executive session. During the Town Administrator's temporary absence or disability, the Board may appoint another qualified person to perform the duties of the Administrator until the Administrator returns.
- (B) Appoint the Town Attorney and the Town Auditor to serve at the will of the Board;
- (C) Appoint the Board of Assessment Review, the Board of Adjustment and Appeals, the Planning Board, and all statutory and advisory boards to serve such terms of office and subject to removal under such conditions as may be established by ordinance or statute;
- (D) Appoint the Town Assessor for an initial term not to exceed three years, reappoint the Assessor for additional terms not to exceed three years, and remove after due process and for cause by a majority of Board members;
- (E) Approve/reject appointments made by Town Administrator or temporary Town Administrator or, in absence of thereof, appoint municipal positions as set by statute or authorized by ordinance;
- (F) Approve/reject appointments made by Town Clerk or, in

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Chapter 11 – Administrative Code  
Article I – Board of Selectmen

absence thereof, appoint Ballot Clerks;

- (G) Make, enact, alter and repeal ordinances related to the regulation of pedestrian traffic, parking, taxis and other vehicles for hire, general assistance, keeping convenient channels open for the passage of vessels in local harbors, a drug and alcohol testing policy for employees required to have commercial drivers license for their employment-related duties, and other specific purposes as set forth by statute;
- (H) Make investigations into the affairs of the town and the conduct of any town department, office or agency;
- (I) Provide for the consolidation and distribution of an annual proposed municipal and school budget;
- (J) Administer the municipal budget once adopted at Town Meeting; and approve or reject disbursements for the municipal and school budget in accordance with appropriation articles;
- (K) Provide for an annual audit of the Town of Chebeague Island's financial statements, books, and accounts;
- (L) Prepare proposed ordinances, accept voter petition articles and ordinances validity by the Town Clerk, and prepare warrants for Town Meeting;
- (M) Enforce the Town of Chebeague Island Code of Ordinances;
- (N) Enter into litigation, decide to go to trial or settle, and whether to appeal if the Town loses when funding is authorized by or when necessary, pending approval at Town Meeting;
- (O) Appoint a Deputy Town Clerk, Deputy Tax Collector, and Deputy Treasurer to serve during incumbents' absences;
- (P) Perform fact findings, attend hearings, and prepare written decisions when any municipal permittee, licensee, or other member of the public claims to be aggrieved and files certain appeals;
- (Q) Cause the Town of Chebeague Island to join and fulfill any membership responsibilities for any organization the Town decides to join at Town Meeting;
- (R) Represent and advocate for the Town of Chebeague Island before the Legislature and Executive branches of state government; and any other governmental body whose action or inaction may impact the Town.

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Chapter 11 – Administrative Code  
Article I – Board of Selectmen

(S) Maintain a fee and penalty schedule for any fees or penalties created specifically by municipal ordinance citing this chapter or otherwise allowed by State law. The schedule shall be reviewed by the Board of Selectmen annually and must be signed by a majority of the Board. The Board may not add or delete fees nor change a fee higher or lower by more than 15% (rounded up to the nearest \$5) in one fiscal year without a Town Meeting vote.

SECTION 110. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

# FEE & PENALTY SCHEDULE

FY 2011-2010

TOWN OF CHEBEAGUE ISLAND, MAINE

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## Introduction

The Board of Selectmen (Board) is granted authority under Ch. 11, Art. I, Sec. 109(S) of the Town of Chebeague Island Code of Ordinances to maintain a single schedule of all fees and penalties that local ordinances specifically defer to the Board. The schedule also includes other fees that may be assessed or determined by the Board of Selectmen (the Board) under current Maine State Statute. Fees set by the State, such as vehicle registration, hunter and fishing licenses and others that the Town may collect acting as an agent of the State are not included in this document.

It is the policy of the Board that this document is reviewed by the Board annually after each annual Town Meeting in a manner consistent with articles authorizing town revenues passed at that meeting. The ordinance requires a vote and signatures of a majority of the Board.

It is the policy of the Board that fees, fines and penalties are assessed in a fair and equitable fashion consistent with the governing ordinance. Waving of fees, fines or penalties is only permissible if the ordinance specifically allows it.

In the tables below an “F” in the column labeled ‘B’ indicates that amount is ‘fixed’ in the language of the ordinance and can only be changed at Town Meeting. An ‘S’ indicates that the amount may be set by the Board of Selectmen at any properly noticed meeting.

## Coastal Waters

Fees for Coastal Waters Activities Chapter 18 Article I

Type	Amount	B	Authority	Description
Mooring Registration		S	CH 18 Art. I 5.2.1	Registration fees shall be reviewed annually and adjusted, if necessary, by the Board of Selectmen.
	\$ 25	S	CH 18 Art. I 5.2.2	Riparian (all fees have extensions for multiple moorings)
	\$ 25	S	CH 18 Art. I 5.2.2	Commercial
	\$ 50	S	CH 18 Art. I 5.2.2	Commercial Non-resident
	\$ 40	S	CH 18 Art. I 5.2.2	Resident Recreational
	\$ 40	S	CH 18 Art. I 5.2.2	Non-resident Taxpayer
	\$ 75	S	CH 18 Art. I 5.2.2	Non-resident
	\$ 75	S	CH 18 Art. I 5.2.2	Rental Mooring
Tie-Up Fees	\$ 50	F	CH 18 Art. I App. G	Resident Less than 12'
	\$ 75	F	CH 18 Art. I App. G	Non-Resident Less than 12'
	\$ 125	F	CH 18 Art. I App. G	Resident 12' to 17' in length
	\$150	F	CH 18 Art. I App. G	Non-Resident 12' to 17' in length
	\$5	F	CH 18 Art. I App. G	Transient – Hourly Rates for Floats F, G, H – Westerly Side
	\$100	F	CH 18 Art. I App. G	Transient – Daily Rates
	\$7	F	CH 18 Art. I App. G	Transient Hourly Weekend
	\$140	F	CH 18 Art. I App. G	Transient Daily Weekend
	\$ 10	F	CH 18 Art. I App. G	Half Day Transient Punt tie-up
\$ 20	F	CH 18 Art. I App. G	Full Day Transient Punt tie-up	



Penalties and Fines for Coastal Waters Chapter 18 Article I

Type	Amount	B	Authority	Description
Mooring	\$100	F	CH 18 Art. I 5.3	To retrieve a removed mooring
Float Use	\$ 10	F	CH 18 Art. I App. H	Leaving personal property in excess of one hour – 1 <sup>st</sup> offense
	\$ 25	F	CH 18 Art. I App. H	2 <sup>nd</sup> offense within 1 year of 1 <sup>st</sup> offense
	\$ 50	F	CH 18 Art. I App. H	3 <sup>rd</sup> offense within 1 year of 1 <sup>st</sup> offense
	\$ 25	F	CH 18 Art. I App. H	Improper use of floats – 1 <sup>st</sup> offense
	\$ 50	F	CH 18 Art. I App. H	2 <sup>nd</sup> offense within 1 year of 1 <sup>st</sup> offense

## Dance Hall

Fees and Penalties for Dance Hall Activities

Type	Amount	B	Authority	Description
Single Dance	\$2	F	By Reference Sec. 2	Single Dance
Quarterly Dance Permit	\$8	F	By Reference Sec. 2	Quarterly Dance Permit
Violation	\$10-\$50	F	By Reference Sec. 8	Whoever violates any of the provisions of this ordinance shall be punished by a fine

## Dog Control

Fees and Penalties for Dog Control

Type	Amount	B	Authority	Description
Violation	\$ 25	F	By Reference Sec. 5	Whoever violates any of the provisions of this ordinance shall be punished by a fine of not more than twenty-five (\$25.00) dollars for each violation.
Impounding	\$ 15	F	By Reference Sec. 7	reclaiming his animal shall pay to the Town Clerk an administrative and impounding fee
Impounding	\$ 25	F	By Reference Sec. 7	Any keeper and/or owner whose dog has been impounded 3 or more times shall pay a fee

## Emergency Management

Fees and Penalties for Emergency Management

Type	Amount	B	Authority	Description
Violation	\$100-\$500	F	CH 14 Art. I p. 4	violating any provision of this ordinance

## Floodplain

### Fees and Penalties for Floodplain Activities

Type	Amount	B	Authority	Description
Application Fee	\$ 25	F	CH 17 Art. IV Sec. 4	for all minor development
	\$ 50	F	CH 17 Art. IV Sec. 4	for all new construction or substantial improvements

## Growth Management

### Fees and Penalties for Growth Management

Type	Amount	B	Authority	Description
Application Fee	\$100	F	CH 17 Art. VII 107.2.3	The Growth Permit Application shall be accompanied by a non-refundable administrative fee

## Public Swimming Pool

### Fees and Penalties for Swimming Pool

Type	Amount	B	Authority	Description
License to operate	\$100	F	By Reference 29.1	The fee for a license to operate and maintain a public swimming pool
Application Fee	\$50-\$100	F	By Reference 33.1	Any person operating a public swimming pool without a license or during the period when his license is under suspension or revocation shall be subject to a fine of not less than \$50 nor more than \$100, and each day's violation shall be considered to be a separate offense.

## Solid Waste

### Fees for Solid Waste Disposal

Type	Amount	B	Authority	Description
Application Fee		F	By Reference	The fee for this permit shall be set by the <b>Town Council</b>
Recyclables	\$1	F	By Reference	The standard fee for individuals disposing of recyclables with other rubbish shall be 50 cents per trip
Commercial Refuse Hauler	\$6	F	By Reference	for commercial refuse haulers shall be charged on a per trip basis as follows: \$6.00 for every cubic yard
Daily	\$5	F	By Reference	The fee for a limited license shall be the sum of five dollars per day
Vehicle Disposal	\$ 60	F	By Reference	a disposal permit for each vehicle has been obtained from the Town by the owner or person disposing of the vehicle and a fee of (sixty dollars (\$60.00))

### Fines and Penalties for Solid Waste Disposal

Type	Amount	B	Authority	Description
Violation	\$250	F	By Reference Sec. 116	The failure of refusal of any person to obey an order of the Inspector made pursuant to this ordinance shall constitute a violation of this ordinance, which shall be punished by a penalty not to exceed \$250
Violation	\$100	F	By Reference	Any person who shall violate or fail to comply with any of the provisions of- this ordinance shall, upon conviction thereof, in a summary proceeding in a manner prescribed by law be sentenced to pay a fine of not more than one hundred dollars

## Special Amusement

### Fees and Penalties for Special Amusement

Type	Amount	B	Authority	Description
Application Fee		S	By Reference	The amount of said fee shall be set by the order of the <b>Town Council</b>
Violation	\$50-\$200	F		Anyone found guilty of violating any provision of this Ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). Each day such violation continues shall be deemed to be a new offense

## Victualers License

### Fees and Penalties for Victualers License

Type	Amount	B	Authority	Description
Application Fee		S	By Reference	The fees for such licenses and re-inspection fees shall be set by order of the <b>Town Council</b> -to reflect a portion of the administrative cost of the processing of the license application
Violation	\$ 50	F	By Reference Sec. 8	Any person who violates any provision of the Ordinance shall be subject to a fine (per day)

## Zoning

### Fees and Penalties for Zoning

Type	Amount	B	Authority	Description
Application Fee		S	CH 17 Art. II 206.5 A	Site Plan Review: application for <u>minor or major site plan review</u>
Application Fee		S	CH 17 Art. II 206.5 B	Site Plan Review: <u>site plan applications</u> for major developments
Review Fee		?	CH 17 Art. II 206.5 C	Site Plan Review: <u>technical review fee</u> - Escrow used by PB [doesn't explicitly say who sets the amount but PB has authority to reduce]
Review Fee		S	CH 17 Art. II 424.1 A	Review Fees: Residential care facilities subject to review under the Subdivision Ordinance provisions
Application Fee	\$50	S	CH 17 Art. II 428.1 A	A person who wishes to erect or have erected a <u>sign</u> within the Town shall make application
Temporary Permit fee		S	CH 17 Art. II 428.3 H	<u>Temporary political campaign</u> signs which do not individually exceed sixteen square feet may ... payment of a <u>refundable application fee</u>
Application Fee		S	CH 17 Art. II 432	Permits for <u>temporary structures</u> may be issued by the Building Inspector for up to a six month period.
Application Fee	\$ 25	F	CH 17 Art. II 433	No timber shall be harvested for commercial purposes from an area greater than three (3) acres until a permit has been issued by the Code Enforcement Officer and a fee of \$25.00 has been paid.
Application Fee		S	CH 17 Art. II 602.1 A	Application for a <u>building permit</u> shall be accompanied by a fee as established by order of the Board of Selectmen. [finished area, unfinished area, minimum. Renovation is \$10 per \$1000 of the cost estimate]

#### Building Permits:

<u>Residential:</u>	Minimum Fee	\$ 50.00
New Construction	Finished Areas	\$ 0.25/per square foot
	Unfinished Areas	\$ 0.10/per square foot
	Renovation and Alteration	\$ 10.00 per \$1,000
	<b>(INCLUDE written cost estimate)</b>	
<u>Commercial:</u>	Minimum Fee	\$100.00
New Construction	Finished Areas	\$ 0.30 per square foot
	Unfinished Areas	\$ 010 per square foot
**Note: Commercial and Residential fees include all floor levels from the lowest floor to the highest floor level.		
<u>Decks &amp; Sheds:</u>		\$ 25.00
	*Up to 400 square foot then .10 per square foot additional.	
<u>Demolition:</u>		\$ 25.00
<u>Change of Use:</u>	(*No change if permit issued.)	\$ 50.00

#### Electrical Permits:

New Construction/ Addition/ Renovations:	\$ 0.05/per square foot
	<b>** \$25.00 Minimum Inspection Fee</b>
New Service Upgrade	\$ 25.00
Swimming Pool	\$ 25.00
Administrative Fee (Required on all permits)	\$ 25.00
	<b>**\$50.00 Minimum fee for Electrical permits</b>

#### Plumbing Permits:

Internal Fees:	\$ 9.00 per fixture	Minimum Fee \$ 36.00
External Fees:	For complete systems	
	Engineered Systems	\$300.00
	Non-Engineered Systems	\$150.00
	Primitive System	\$150.00
	Separate Laundry	\$ 52.50
	Seasonal Conversion	\$ 75.00
	Variance	\$ 30.00
For Separate parts of systems:	Alternate Toilet Only	\$ 75.00

Disposal Field (Engineered) \$225.00 Disposal Field (Non-engineered) \$112.50 Treatment Tank only (non-eng) \$ 75.00 Treatment Tank only (eng.) \$120.00 Holding Tank \$150.00 Other Components \$ 30.00 Variance \$ 45.00			
Re-Inspection Fee: Building, Plumbing and Electrical \$ 25.00 – First \$ 25.00 – Second \$100.00 – Third or more			
*Note: RE-inspection fees are assessed at the discretion of the Inspector.			
Application Fee	S CH 17 Art. II 602.2	The fee for a <b>use permit</b> shall be established by order of the Board of Selectmen.	
Application Fee	S CH 17 Art. II 602.3	The fee for a permit for the <b>demolition of a building</b> or structure shall be established by order of the Board of Selectmen.	
Application Fee	S CH 17 Art. II 602.4	permit to <b>excavate land or remove earth products</b>	
Application Renewal Fee	S CH 17 Art. II 602.4	annual renewal of the application for the excavation of land and the removal of earth products	
Filing Fee	Staff Review \$150 Planning Board Issued \$250	S CH 17 Art. II 602.5 B.6	A filing fee of as established by order of the Board of Selectmen must accompany all applications for <b>Shoreland Zoning permits</b> requiring Planning Board approval.
Appeal fee	S CH 17 Art. II 603.4 B	The appellant in such case shall pay a fee as established by order of the Board of Selectmen.	
Violation	S CH 17 Art. II 607.3	found to violate any of the provisions of this ordinance	

## Town Office Fees

### Fees for Town Office Services

Type	Amount	B	Authority	Description
Fee	No fee			Copies

## Cemetery Fees

### Fees for Cemetery

Type	Amount	B	Authority	Description
Fee	\$ 175			Burial Administration Fee
Fee				Site opening and closing fee
Fee			13 M.R.S.A. § 1306	Lot sale and Perpetual Care Fund - 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the cemetery

## Parking

### Fees and Penalties for Parking and Traffic Control

Type	Amount	B	Authority	Description
Violation	\$ 20	S	Selectman's Ordinance	Parking in a no parking area
	\$ 20	S	Selectman's Ordinance	Overtime parking (more than 24 hours)
	\$ 50	S	Selectman's Ordinance	Parking in a handicapped parking space
	\$ 20	S	Selectman's Ordinance	Parking in a loading zone

Effective Date: \_\_\_\_\_

We the undersigned have reviewed this document and voted to approve the fee schedule under the authority granted in the Town of Chebeague Island Code of Ordinances Chapter 11, Article I, Section 109(S):

DRAFT

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