



## Ordinances

# TOWN OF RAYMOND

ADOPTED MARCH, 1970  
WITH AMENDMENTS ADOPTED  
MARCH, 1980  
OCTOBER, 1983  
MAY, 1984  
JANUARY, 1985  
MARCH, 1986  
OCTOBER, 1986  
MAY 15, 1993  
MAY 21, 1994  
MAY 19, 1995  
MAY 20, 1997  
MARCH 18, 2000  
MARCH 17, 2001  
MAY 17, 2003  
JUNE 7, 2011  
JUNE 5, 2012  
JUNE 4, 2013  
JUNE 7, 2016  
JUNE 5, 2018  
NOVEMBER 13, 2018  
July 14, 2020  
June 8, 2021

**RAYMOND, MAINE**

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# ADDRESSING ORDINANCE

March 15, 1997

Amended June 4, 2013

Amended June 5, 2018

## Section 1. Purpose:

The purpose of this Ordinance is to enhance the effective and rapid location of properties by public safety personnel including: law enforcement, fire, rescue, and emergency medical services personnel in the Town of Raymond.

## Section 2. Authority:

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

## Section 3. Administration:

This Ordinance shall be administered by the Board of Selectmen, Town Manager, and E911 Coordinator. The Board of Selectmen is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Section 4 and 5. The E911 Coordinator shall also be responsible for maintaining the following records of this Ordinance:

- A. A Raymond map of official use showing road names and numbers;
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers;
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

## Section 4. Naming System:

All roads that serve two or more properties shall be named regardless of whether the ownership of the road is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. "Property" refers to any property on which more or less a permanent structure has been erected. A road name assigned by the Town of Raymond shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (e.g. no Pine Street and Pine Lane);
- B. No two roads shall have similar-sounding names (e.g. no Woodlawn Avenue and Woodland Street).

- C. Each road shall have the same name throughout its entire length, except, when authorized by the Board of Selectmen, the name may change at a significant landmark or intersection.

Section 5. Numbering System:

Numbers shall be assigned every fifty (50) to two hundred (200) feet, depending on density and geographic location (e.g. 50 feet in Village areas and up to 200 feet in rural areas), along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

- A. All number origins shall begin from Roosevelt Trail or that end of the road closest to Roosevelt Trail. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.
- C. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

Section 6. Compliance:

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- A. Number on the structure or residence: Where the residence or structure is located and clearly visible within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry;
- B. Number at the street line: Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box (when such mailbox is located on the same side of the street where the principal structure is located), or on some structure at the property line next to the walk or access drive to the residence or structure.
- C. Size and color of number: Numbers shall be at least 3" in height, contrasting color to the background, and shall be located to be visible from the road on a permanent structure, post or mailbox. The number should be high enough so that snow does not obstruct it in the winter months.
- D. Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance

with this Ordinance. (Note: Historic dates identifying when the property was established or the structure was built shall be exempt from the section. Careful consideration of clear distinction between a historical date and the physical address numbers shall be made by the property owner.)

- E. Interior location: All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.
- F. The Fire/Rescue Department shall receive notification from the Code Enforcement Officer whenever a Certificate of Occupancy is issued in the Town of Raymond.

Section 7. New Construction and Subdivisions:

All new construction and subdivision shall be named and numbered in accordance with the provisions of this Ordinance and as follows:

- A. New Construction: Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the E911 Coordinator. This shall be done at the time of the issuance of the building permit.
- B. New Subdivisions: Any prospective sub-divider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Board of Selectmen, shall constitute the assignment of the road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet to aid in the assignment of numbers to structures subsequently constructed.

Section 8. Effective Date:

This Ordinance shall become effective as of January 1, 1998. It shall be the duty of the Board of Selectmen to notify by mail each property owner and the Post Office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this Ordinance, including the posting of new property numbers, within thirty (30) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement:

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance after written notice of violation from the Code Enforcement Officer commits a civil violation punishable by a penalty of not less than \$50.00/day and not more than \$500.00 total to be recovered by the Town of Raymond. Each day such violation continues shall constitute a separate violation.

- b) ENFORCEMENT: This Ordinance shall be enforced by the Town of Raymond Code Enforcement Officer. Fire/Rescue Department or Law Enforcement personnel shall forward any known violation of the Ordinance to the Code Enforcement Officer for enforcement in accordance with the requirements in this Ordinance.
- c) CERTIFICATE OF OCCUPANCY: The Code Enforcement Officer shall not issue a Certificate of Occupancy until numbering is installed in accordance with the requirements set forth in this Ordinance.

Section 10. Severability:

In the event that any portion of this Ordinance is found by a court to be invalid, the remaining provisions shall continue in full force and effect.



# ADULT BUSINESS ORDINANCE

May 15, 1993

Amended June 5, 2018

## 1. Definitions.

- a. "Adult business" means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe sexual activities.
- b. "Specified sexual activities" means:
  - i. human genitals in a state of sexual stimulation or arousal;
  - ii. acts of human masturbation, sexual intercourse or sodomy;
  - iii. fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- c. Less than completely and opaquely covered:
  - i. human genitals, pubic region;
  - ii. buttock;
  - iii. female breast below a point immediately above the top of the areola.
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- e. "Public building" means a building owned, operated or funded in whole or in part by the Town of Raymond which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.
- f. "Viewing Booth" means any booth, cubicle, room or stall within the premises of an adult business used to display by audio or visual reproduction, projection or other means, any of the materials described in subparagraph (a) above.

## 2. Location of adult businesses restricted. No adult business shall be located:

In any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:

- a. occupied by a residence, school, park, playground, church or public building;
- b. located in a residential zone; or
- c. occupied by another adult business.

3. Outside displays prohibited. No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the adult business is located.
4. License Required. No person shall own or operate an adult business without first obtaining a license from the Raymond Board of Selectmen.
5. Licensing Requirement. No person shall own or operate a viewing booth unless the viewing booth will be clearly visible from the interior common areas of the premises and that visibility into the viewing booth shall not be blocked or obscured by any doors, curtains, partitions, drapes, or any other obstruction.
6. License Fee. A license shall be required for each adult business. The fee for each license shall be \$100.00.
7. Term of License. Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31<sup>st</sup>.
8. Suspension or Revocation of License. The Board of Selectmen may, after notice to the licensee and hearing, suspend or revoke any adult business license issued under this Ordinance upon a finding that the licensee has violated any of the provisions of this Ordinance.
9. Penalty. The violation of any provision of this Ordinance shall be punished by a civil penalty of not less than \$250 and not more than \$500 for each offense. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense. In addition to such civil penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.
10. Severability. In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.
11. Applicability to Pending Applications. Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application, request or proposal to locate or operate any adult business which may be pending on the effective date of this Ordinance.

## **BARKING DOGS**

Adopted May 1984

Amended March 1997

Amended March 17, 2001

Amended June 5, 2018

**Definition.** No person shall own, possess or harbor within the Town of Raymond any dog which by loud, and frequent and habitual barking, howling, or yelping disturbs the peace of any person.

**First Offense.** Any person, who shall violate the provisions of this section, shall upon the first occasion thereof be given a written warning which shall include the date and time it was issued.

**Subsequent Offense(s).** Upon any subsequent violation within a period of six (6) months from such warning, the person found to be in violation shall be punished by a civil penalty as is set forth annually by the Board of Selectmen in the Town Fee Schedule.

**Enforcement.** This Ordinance shall be enforced by the Animal Control Officer and any Assistant Animal Control Officer(s) of the Town of Raymond.

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# BUDGET AND FINANCE COMMITTEE ORDINANCE

Adopted March 1980  
Amended May 19, 1995  
Amended June 5, 2018

## **SECTION 1. Title**

This Ordinance shall be known as the Town of Raymond Budget and Finance Committee Ordinance.

## **SECTION 2. Authority**

This Ordinance is enacted pursuant to 30-A MRSA §3001.

## **SECTION 3. Purpose**

The purpose of this Ordinance is to merge the Town Finance Committee and the Town Budget Committee.

## **SECTION 4. Merger**

The Town Budget Committee, as previously established and governed by the terms of the March 1980 Ordinances, and the Town Finance Committee, as established by vote of the Town on March 18, 1978, and governed by the terms of the March 1980 Ordinance, shall be combined into a Budget and Finance Committee.

## **SECTION 5. Powers and Duties**

The Budget and Finance Committee shall have the following powers and duties:

- A. To consider each article for raising, appropriating or borrowing monies to be expended by or for the Town, with opportunity for discussion with those persons proposing the same, and to make recommendations on such articles to the Town Meeting for which they were drawn, which shall appear on the Warrant in substantially the following form, "The Town Budget and Finance Committee recommends approval/disapproval."
- B. To discuss with and make recommendations to the Select Board on proposals for specific expenditures.
- C. To investigate and recommend to appropriate Town departments the availability of Federal and State and other grants, loans, guarantees and other assistance for the Town and the types, terms, benefits and disadvantages thereof.
- D. To study and make recommendations on the general financial position, policies and practices of the Town and its departments.
- E. To study and make recommendations on any proposal for payment for services or equipment by bond or note. Any such proposal, with the exception of general tax anticipation notes which will be reviewed under Section (5D), will be accompanied by an impact statement and recommendation for rejection or approval.
- F. To develop and maintain, with the input from all other committees and Boards in Town, a five (5) year moving Capital Improvement Plan.
- G. To study and report to the Select Board potential revenue raising opportunities that may require actions by the Board or Town Manager.

## **Section 6. Membership, Quorum, Voting**

- A. The Budget and Finance Committee shall consist of seven (7) voting members, plus the Chair of the Select Board who shall be a NON-VOTING EXOFFICIO member. The reduction in number from nine (9) to seven (7) will occur due to attrition. Existing members may continue as voting members on the committee and each may petition to be a candidate on upcoming ballots.

The first 2 seats vacated by attrition (seat still open after an election, non-acceptance of the position, resignation, death, removal from the municipality, or recall) will not be filled. When a seat is vacated, the term of office for any open seats will be adjusted at the next election to keep the terms staggered. The number of members will be reduced to seven (7) during the June 2020 Election if attrition has not reduced the membership to seven (7).

- B. The Chair and the Vice-Chair of the Budget and Finance Committee shall be elected by a majority of the Budget and Finance Committee voting members at the first meeting after June 30<sup>th</sup> each year.
- C. Voting members must be residents of the Town of Raymond, and shall be elected annually by the Town via a secret ballot vote at the annual Town Meeting, and have staggered three (3) year terms.
- D. Any vacancy among the voting members shall be filled either via appointment by the Select Board until the next annual Town Meeting secret ballot vote following the creation of that vacancy, or by the Town at the first annual Town Meeting secret ballot vote following the creation of that vacancy.
- E. The Budget and Finance Committee shall officially act only in the presence of a quorum of four (4) voting members. Official motions will pass only on a majority vote of all voting members of the Budget and Finance Committee, unless the Budget and Finance Committee unanimously votes to adopt other rules at the first meeting of the year after the Annual Meeting and agrees to utilize the revised voting procedure for the full year. No member of the Budget and Finance Committee shall vote on a budget item in which the member has an interest.
- F. All members will abide by the rules for Conflict of Interest pursuant to 30-A MRSA §2605.
- G. All members will sign upon taking their oath of office and will adhere to the Town of Raymond Code of Ethics for Appointed and Elected Municipal Officials.

#### **Section 7. Non-Attendance**

In the event a member of the Budget and Finance Committee fails to attend, without being excused by the Chair of the Budget and Finance Committee, three (3) consecutive regularly scheduled business meetings or two (2) consecutive regularly scheduled Town Budget Review Meetings, the Budget and Finance Committee by unanimous vote of all attending members of that third regularly scheduled business meeting or second regularly scheduled Town Budget Review Meeting may remove the member from office and have the member replaced under the vacancy section of (6-D) above.

#### **Section 8. Severability**

If any part or parts, section or subsection, sentence, clause or phase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

#### **Section 9. Effective Date**

This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.

**BUSINESS LICENSE ORDINANCE**  
**Town of Raymond**  
Adopted 7/14/2020

**Section 1. Purpose.**

The purpose of this Ordinance is to provide reasonable regulations for businesses, other than home occupations, operating in the Town of Raymond and to protect and promote the health, welfare and safety of Town residents and the general public.

**Sec. 2. License required; expiration.**

- (a) The Board of Selectmen are authorized to grant, grant subject to conditions, or deny licenses for any business in accordance with the terms of this Ordinance. The Town Clerk is authorized to renew licenses and refer any license renewal applications to the Board of Selectmen for public hearing and action if, in the Town Clerk's judgment, the application merits such scrutiny.
- (b) Any such license shall expire on March 1 of each year, unless otherwise provided therein, except that a license for which a renewal application filed prior to March 1 shall continue in effect until the Town Clerk or the Board of Selectmen, if Board action is required under Section 7, has acted on the renewal application.
- (c) No person shall operate or conduct any business, except for home occupations, without first obtaining a license therefore, nor shall any person operate or conduct any business except in compliance with the terms of this Ordinance and any conditions imposed upon the license issued.

**Sec. 3. Application.**

- (a) Any person who owns, operates or conducts any business in the Town of Raymond shall make an application for a license to conduct such business by submitting the following to the Town Clerk:
  - (1) A description of the business which the applicant proposes to operate or conduct and the location at which the licensed activity or business will occur.
  - (2) A statement that the applicant has secured or is in the processing of securing all state or local permits required for the licensed business, provided that any license issued by the Board of Selectmen prior to the receipt of such other permits shall not authorize the operation of the business until all such other permits are obtained.
  - (3) A statement that the business and the premises are in compliance with all local ordinances other than this Ordinance.
  - (4) Evidence of satisfactory resolution of any public health, safety or welfare problems occurring in the operation of that or a similar business at the same location in the immediately preceding year, including but not limited to neighborhood complaints, disorderly customers, and excessively loud or unnecessary noise that initiate

complaints to or require a response from the sheriff's department, fire department or other municipal regulatory body or employee.

- (5) A nonrefundable application processing fee as specified in Town Fee Schedule, unless the applicant has previously received a license under this Ordinance for the same business at the same location and the license had been applied for prior to the last day of February of the expiration year.
- (b) The Board of Selectmen may require further documentation of any of the information provided in the license application whenever the Board determines that such documentation is needed to process the application.

**Sec. 4. - Denial; imposition of conditions for issuance.**

- (a) Failure to provide any of the information required by Section 3 to the Town Clerk in a timely manner shall be cause for a denial of a license application.
- (b) The Board of Selectmen shall consider information provided by the applicant, the code enforcement officer, the town manager, the sheriff's department, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The Board of Selectmen may deny a license application if it finds that:
  - (1) The applicant does not have the legal right to occupy the premises for which the license is sought;
  - (2) Required state or local permits have not been obtained or applied for;
  - (3) The business or the premises are not in compliance with other local ordinances;
  - (4) Any public health, safety or welfare problems which occurred in the operation of the business or a similar business on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;
  - (5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business subject to this Ordinance, an act or omission which constitutes a violation of this Ordinance;
  - (6) The applicant is delinquent in paying any personal or real property tax assessed by the Town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;
  - (7) The licensed location has had three or more documented and relevant disturbances as verified by the sheriff's department within the previous licensing period, which documentation shall be provided to the Town Clerk by the sheriff's department;
  - (8) The applicant owes any fine, penalty or judgment to the Town as a result of any violation of this Ordinance and the fine, penalty or judgment, with any accrued interest, has not been paid in full; or
  - (9) The applicant owes any amount to the Town for services rendered by the Town or by Town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the Town, or is otherwise delinquent in any financial obligation to the Town.



- (c) The Board of Selectmen may also impose conditions on the operation of any licensed business, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.
- (d) When the Board of Selectmen denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and any such conditions shall be noted on the license records maintained by the Town Clerk.

**Sec. 5. - Effective date; payment of full fee required.**

- (a) A license issued pursuant to this Ordinance shall be effective as of the date issued or as of the date payment of the appropriate license fee is received by the Town Clerk, whichever is later.
- (b) Payment in full of the license fee is required prior to the issuance of a license.

**Sec. 6. - Inspections.**

- (a) A licensee, as a condition of receipt of a license under this Ordinance, must also allow any Town official who is authorized to determine compliance with federal, state or town law or ordinance and who presents valid identification to enter at any reasonable time any portion of the licensed premises which the licensee has the right to enter or occupy.
- (c) Failure to allow entry required by this section shall constitute a violation of this Ordinance and shall constitute cause for nonrenewal, suspension or revocation of this license.

**Sec. 7. - Renewals.**

- (a) The Town Clerk is authorized to renew, without further action by the Board of Selectmen, the license of any person holding a license pursuant to this Ordinance, referred to as the "licensee," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application. The Town Clerk may not renew a license, but must refer the application to the Board of Selectmen, if:
  - (1) The license has been suspended or revoked by the Board of Selectmen during the preceding licensing cycle;
  - (2) The Town Clerk has received, during the past licensing cycle, any written complaint from any person charging that the licensee has violated the terms of this Ordinance or any other section of this Code or Town ordinance;
  - (3) The applicant is delinquent in paying any personal or real estate property tax assessed by the Town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment; or
  - (4) The licensed location has had three or more documented and relevant disturbances as verified by sheriff's department within the previous licensing cycle.

- (b) Notwithstanding the provisions in Section 7(a) above, a license must be reviewed and renewed by the Board of Selectmen every five years.

**Sec. 8. - Suspension or revocation.**

- (a) The Board of Selectmen, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this Ordinance. The term "cause" shall mean the violation of any license condition, any section of this Ordinance, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this Ordinance. The term "cause" shall also include any of the grounds for denying a license application under Section 4. Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the code enforcement officer, the town manager, or the Board of Selectmen, the continued operation of the licensed business constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefore, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

**Sec. 9. - Violation and Penalties.**

- (a) Any person who operates or conducts any business for which a license is required under this Ordinance without first obtaining such license commits a civil violation and shall be subject to a fine not to exceed \$100.00 for the first day the offense occurs. The second day the offense occurs, the fine amount shall not exceed \$250.00. The third day and subsequent days thereafter, the fine amount shall not exceed \$500.00. Each day such violation continues shall be considered a separate violation.
- (b) All fines shall be recovered upon complaint for use by the Town and shall be placed in the town treasury.

**Sec. 10. - Enforcement.**

The code enforcement officer shall investigate any alleged violation of this Ordinance. Upon verification of the alleged violation, the Board of Selectmen may initiate any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, attorneys fees, and costs, that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Town.

## **CABLE TELEVISION ORDINANCE**

(Available under separate cover.)

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# CEMETERY ORDINANCE

Adopted March 18, 2000

Amended June 5, 2012

Amended June 5, 2018

## I. PURPOSE

To preserve and protect the Cemeteries as peaceful and beautiful areas that serve as reverent symbols of the citizens' respect for the deceased, and for the protection of lot owners, the following Cemetery Ordinance is hereby established for all Raymond Cemeteries owned or operated by the Town.

In formulating this Ordinance, a balance of the interests of the various stakeholders (purchasers and owners of rights of interment; family, friends, and acquaintances of the deceased buried therein); Raymond citizens and taxpayers; maintenance workers; and commercial providers is taken into consideration. In particular, this Ordinance is based upon a proper fit of the Cemeteries in Raymond, aesthetics of the park-like spaces, the cost of maintaining them, historical preservation, civic pride, and most important of all, safety of all who enter these Cemeteries.

All lot owners and persons visiting the cemeteries shall abide by this Ordinance as herein enacted and as hereafter amended, which is intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

## II. DEFINITIONS

- A) **Corner Markers** – grade level plot or lot identification object made of stone or stone and bronze
- B) **Grantee** – the Grantee is the individual who has purchased the plot(s) or has inherited the plot(s) from a deceased predecessor Grantee or has purchased the plot(s) from the previous Grantee
- C) **Lot** – multiple contiguous plots
- D) **Marker** (also called flush markers/memorials) – any grade level burial site identification object made of stone or stone and bronze
- E) **Monument** – any above grade level burial site identification object made of stone, or stone and bronze
- F) **Plot** – the basic unit of space within the Cemeteries used or intended to be used for the burial of human remains, approximately four (4) feet by eight (8) feet space for one (1) vault/casket burial or up to eight (8) cremains (each in a two (2) foot by two (2) foot space)

## III. CEMETERY RESPONSIBILITIES

### 1. Cemetery Committee

- a) Survey cemeteries to determine stones that need to be repaired and report to the Cemetery Supervisor
- b) Organize volunteers to clean the stones such that each stone is cleaned at least

- once in every ten (10) year period
- c) Review Cemetery Ordinance for potential updates/amendments at least once in every five (5) year period

## 2. **Sexton**

- a) For new sale of plots
- Mark corners with temporary stakes and check that there is not already a burial in the plot that is being sold
  - Work with vendors to ensure stones are set in the correct way
  - Check that the corner markers are set in the correct place
- b) Be available to either dig the hole for burials or recommend a qualified grave digger

## 3. **Cemetery Supervisor**

- a) Data steward for all Cemetery data
- Build database from existing maps, spreadsheets, and conveyance documents
  - Maintain data ongoing by selling plots via the purchased software and updating with burial information
- b) Oversee all sales of plots
- Coordinate with Sexton to be sure that the plot is able to be sold (not already occupied, not ledge, etc.)
  - Record sales in database and issue conveyance to buyer
- c) Coordinate with vendor to repair and/or clean stones each year as budget monies allow
- d) Purchase stakes as corner markers for Sexton
- e) Work with Public Works Director to submit a budget each year
- f) Provide stone cleaning materials for the Cemetery Committee volunteers
- g) Maintain a file of certificates of insurance for vendors and update annually

## **IV. GENERAL PROVISIONS**

1. **Name.** This Ordinance shall be known as the Town of Raymond Cemetery Ordinance.
2. **Authority.** This Ordinance is enacted pursuant to Title 30-A, Sections 3001 and 3002.
3. **Liability.** The statement of any employee or agent, unless confirmed in writing by an authorized representative of the Cemeteries or the Town of Raymond shall in no way bind the Cemeteries or the Town of Raymond.
4. **Corrections.** The Town reserves the right to correct any errors that may be made by them in making interments, dis-interments, or removals or in the description, transfer, or conveyance of any lot. Such corrections may include cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Sexton or Cemetery Supervisor, or, in the sole discretion of the Town, by refunding the amount of money paid to the Town on account of said conveyance. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be subject a fair additional charge in the event a change is required.

5. **Enforcement.** The Board of Selectmen and its authorized representatives are hereby empowered to enforce this Ordinance and to exclude from the cemeteries any person(s) deliberately violating this Ordinance. The Board of Selectmen and its authorized representatives shall have charge of the grounds and buildings within the Town of Raymond Cemeteries and shall have supervision and control of employees and all persons visiting the Cemeteries, whether lot owners or otherwise.
6. **Damage or Injury.** The Town expressly disclaims responsibility for any property damage or injury sustained by any person.
7. **Effective Date.** This Ordinance shall become effective when enacted/amended by the voters at Town Meeting.
8. **Validity.** If any part of this Ordinance is declared invalid, the declaration shall not affect the validity of the remaining portions of the Ordinance.
9. **Enforcement.** Any violation of this Ordinance will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Cumberland County Sheriff or Maine State Police accordingly. Violation of this Ordinance may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of this Ordinance by anyone may result in a request to leave the Cemeteries.
10. **Losses.** Reasonable precautions will be taken to protect Grantees from loss or damage, but the Town will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions insurrections riots, or order of any military or civil authority whether the same be direct or collateral.
11. **Insurance.** All commercial service providers entering the Cemeteries to perform services or deliver commercial products must have liability and workers compensation coverage consistent with the Town's requirements and present proof of insurance to the Cemetery Supervisor. The Cemetery Supervisor shall maintain a file of such proof of insurance and update it annually.

## **V. HOURS OF OPERATION**

1. **Open Hours.** The cemeteries will be open from one-half hour prior to sunrise to one-half hour after sunset.
2. **Closed Hours.** No person other than a Town employee, the Sexton, or Cemetery Committee member on authorized duties or a person accompanied by an authorized Town employee, the Sexton, or Cemetery Committee member shall enter any cemetery after the hours or times specified.

## **VI. FEES & PURCHASING PLOTS**

1. **Fees.** All fees are set annually by the Board of Selectmen. All fees or charges for services are payable at the Town Office, except that interment charges may be payable through the Sexton or an approved funeral director, and any foundation charges for monument or marker emplacement may be payable through an approved monument dealer.
2. **Gratuity.** No gratuity shall be accepted by any Town employee.
3. **Process.** Persons desiring to purchase lots should:
  - a. Go to the Town Office and ask for a list of plots available and a map for the cemetery of their choice.
  - b. Visit the cemetery and choose the plot(s).
  - c. Contact the Cemetery Supervisor at the Town Office with their choice(s).
  - d. The Cemetery Supervisor will request that the Sexton check the site to be sure it is not already occupied, and that it is not ledge, and mark the corners of the plot(s) with stakes.
  - e. The Cemetery Supervisor will issue a Conveyance Certificate (right to bury human remains or to bury the ashes of a human being (“cremated remains” or “cremains”) or to memorialize the human dead in a plot in a Raymond Cemetery) upon the payment in full of the current price for such Conveyance.
  - f. Any special rules relating to such plot(s) will be explained and a copy of this Ordinance will be provided.
4. **Payment.** Complete payment of the purchase price for the plot(s) must be made to the Town before any burial or marker placement is permitted. No partial payments will be accepted. Upon full payment for the plot(s) the Grantee will be issued a Conveyance Certificate.
5. **Violations.** Any person violating any provisions of this Ordinance shall be subject to a civil penalty of not more than \$100.00, plus attorney’s fees and costs, provided that if such violation results in damage to cemetery property, appurtenances, fixtures, or other installations therein, such person(s) shall be subject to a civil penalty of not less than \$100.00 but not more than \$2,500.00, plus attorneys’ fees and costs. Each day a violation occurs shall be deemed a separate offense.
6. **Lots.** Any contiguous plots purchased will be considered as 1 lot and will include any identified walkways between plots.
7. **Corner Markers.** Once purchased, the outer corners of a single plot or a lot may be marked with grade level Corner Markers.



## **VII. OWNERSHIP**

1. **Descent.** The laws of the State of Maine govern the descent of title to Cemetery lots, as well as other matters relating to their ownership. It is important that, on the death of an owner of a lot, the heirs or devisees of such person should file in the office of the respective Cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.
2. **Change of Ownership.** It shall be the duty of the Grantee (or Grantee's descendants or assigns) to notify the Town of any change of address or ownership by inheritance. Any purported change in ownership must be supported by adequate evidence to the satisfaction of the Cemetery Supervisor.
3. **Grantee.** The Grantee "owns" the rights, but does not own the real property, just the right to use one or more specific burial sites in the Cemeteries subject to this Ordinance as well as applicable laws and ordinances.
4. **Repurchase.** All sales of plots are final. The Town has no obligation to repurchase plot(s) from Grantees.
5. **Transfer.** Transfer of lots will not be recognized until the Town of Raymond receives notification and satisfactory proof of the transfer.
6. **Exchanges.** The Town may, but is not obligated to, allow exchanges of plot(s) for different burial sites within its Cemeteries.

## **VIII. RULES OF CONDUCT & PROHIBITIONS**

1. **Mischief.** No person shall destroy, mutilate, deface, injure or remove any tomb, Monument, gravestone, Marker or other structure placed within any cemetery, or any fence, railing or other work for the protection or ornamentation of any tomb, Monument, gravestone, Marker or other structure aforesaid, or any cemetery lot within any cemetery.
2. **Substance.** No person shall be in possession of any alcoholic beverage within any Cemetery. No person shall be in possession of or consume any illegal substance within Cemeteries.
3. **Solicitations.** Whether charitable, political or otherwise, solicitations are prohibited in any Cemetery.
4. **Waste.** Only refuse related to cemetery usage may be deposited in a Cemetery's waste containers. No sewerage may be deposited on cemetery grounds.
5. **Dignity.** No person shall behave in a loud, indecent or disorderly manner or create any unnecessary disturbance. No person shall conduct or participate in any sport, game or

contest in any cemetery. Any person visiting the cemeteries shall use only the walks and roadways provided and shall not walk upon or across plots unless necessary where walks or roadways are not provided.

6. **Pets.** No person shall permit any animal, including dogs, owned by him, in his custody, or under his control within any cemetery unless attached to a leash not longer than eight (8) feet held by the person. Persons walking dogs in the Cemeteries must pick up any of their droppings and dispose of it outside of the Cemeteries and will be strictly liable for any personal harm or property damage caused by the dog.
7. **Horses.** Horses are prohibited from the Cemeteries except for the purpose of funeral, ceremonial, or memorial functions. Owners are responsible for cleaning up after their horses.
8. **Firearms.** The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging or carrying of weapons of any type, or the hurling of rocks or pellets, or discharging fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial has been previously approved by the Town.
9. **Prohibited.** No glass jars or breakable flower containers shall be placed on lots. True floral containers, recessed holders and baskets are recommended. No eternal flames or any open flames. No groups organized to protest are allowed within a twenty five (25) foot radius of Cemetery grounds.
10. **Functions.** The only group functions that are allowed within the Cemeteries are funerals, burials, memorial services, and educational tours. Other types of functions are not permitted unless permission is sought and granted by the Raymond Town Manager or the Raymond Code Enforcement Officer.

## **IX. VEHICULAR TRAFFIC**

1. **Control.** Motor cars and vehicles must be kept under complete control at all times.
2. **Funeral Cortege.** When meeting a funeral cortege, all vehicles must stop until the procession passes. All vehicles must not pass a funeral cortege, either stopped or in motion.
3. **Speed.** Maximum speed limit – 10 miles per hour.
4. **Cemetery Roads.** No vehicle may be driven or parked upon any grave, lot or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited.
5. **Prohibited:**
  - a. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted.

- b. Snowmobiles, unregistered motor vehicles such as dirt bikes and all-terrain vehicles, and bicycles are prohibited within the Cemeteries except as may be in attendance at funerals.

## **X. MAINTENANCE & PLANTS**

1. **General.** The general care of the surface conditions of the Cemeteries is the responsibility of the Town and includes cutting the grass, trimming the bushes and trees, and raking and cleaning the grounds. The Town does not assume the responsibility for caring for or planting flowers or ornamental plants, or repairing or replacing Monuments or Markers.
2. **Maintenance.** The Town of Raymond reserves the right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives or walks, or any part thereof.
3. **Access.** The Town Cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
4. **Water.** The Town also reserves the right to lay, maintain and operated, or alter or change, pipe lines or gutters for water systems and drainage purposes and to use cemetery property, but not inconsistent with the rights of the owners of plots already sold.
5. **Damage.** All reasonable precautions will be taken to protect lot owners and the property right of lot owners within the cemeteries from loss or damage.
6. **Plantings.** The cemeteries will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, unless previously arranged under Section XI. Perpetual Care.
7. **Removal.** The Town shall have the right to remove all floral designs, vases, urns, decorations, wreaths, plants, flowers, weeds, trees, shrubs, plants, from the Cemeteries as soon as, in their judgment, they become unsightly, dangerous, and other materials placed in Cemeteries that, in their opinion, become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said Cemeteries.
8. **Floral Pieces.** The Cemeteries shall not be responsible for floral pieces, baskets etc. in which or to which floral pieces are placed or attached beyond their acceptance for services held in the Cemeteries, and shall not be responsible for frozen plants, plants damaged by the elements, thieves, vandals or by other causes beyond their control.

9. **Waste**. Individuals who enter the Cemeteries must carry out all waste that they create while in the Cemeteries. Depositing of waste, rubbish, and debris on the grounds of the Cemeteries, or neighboring/adjacent property, is prohibited.
10. **Plants**. The planting of shrubs (including rose bushes), trees, or any planting of a spreading variety is prohibited.

## **XI. PERPETUAL CARE**

1. **Trust Funds**. The full purchase price of a plot(s) shall be added to the Town's Cemetery Trust Funds. The principal of the Cemetery Trust Funds is nonrefundable and must remain intact in trust in perpetuity for the care of the Cemeteries. It shall be invested and a prudent portion of the net income and appreciation from this Fund shall be applied annually by the Town's Finance Director to the operating costs of the Cemeteries.
2. **Services Provided**. Perpetual Care includes keeping the turf even and in good condition, the grass properly cut and the present trees and shrubs, as duly authorized, trimmed. The proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.
3. **Management**. All Perpetual Care Trust Funds held by the Town of Raymond will be invested by the Town of Raymond as provided by law (MRSA 13, Section 1223) and will be expended only as provided by the Trust of Perpetual Care Agreement.

## **XII. BURIAL REQUIREMENTS**

1. **Timing**. Cemeteries shall be open for interments at the discretion of the Sexton.
2. **Notification**. Prior to the interment, Grantees or their heirs or representatives are required to provide the Cemetery Supervisor a written communication as to the location of the burial, including the name and date of death of the decedent.
3. **Directors**. A funeral director must be with all funerals entering the cemeteries and the funeral director is responsible for ensuring that the participants of the funeral abide by this Ordinance. The funeral director must present the necessary burial permit from the Town Clerk to the Town employee in charge of the burial.
4. **Grave Liners**. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the Board of Selectmen. Outside containers may be procured from any source provided they meet the established specifications.

5. **Limits.** No interment of two (2) or more bodies shall be made in one (1) plot, except in the case of a mother or father and a child, or two (2) infants, buried in one casket (or two caskets if small enough to fit within the burial space), or up to eight (8) cremated remains with no full burial, or one (1) full burial and one (1) cremation. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval from the Town.
6. **Interment.** When an interment is to be made in a plot, the location shall be designated by the Grantee or his representative. If this is not done, the Cemeteries reserve the right to make the interment in a location designated by the Town. The Town shall not be responsible for errors from telephone information etc.
7. **Disinterment.** Once an interment has been made, graves will be opened only by officials and employees of the Town assigned to the cemeteries or when the cemetery is directed to make disinterment by an order of the court of competent jurisdiction and a certified copy has been filed with the Town. The Town will be limited to opening of the grave only. Disinterment must be made by the person authorized to do so.
8. **Animals.** No Animals domestic or wild will be interred in the Cemeteries.
9. **Cremains.** Each cremain burial will be required to at least have a grade level name Marker placed on top of the site.

### **XIII. MONUMENTS & MARKERS**

1. **Size and Number.** The Grantee(s) of any one (1) plot shall have the right to erect thereon any proper Monument or Marker upon authorization by the Town. Only one (1) Monument no larger than a thirty-six (36) inch base shall be permitted on a plot, which must be located in the center rear of the plot, unless special permission is granted by the Town for placing otherwise. Only one (1) individual Marker per burial is allowed in any of the Cemeteries. In the case of a Grantee(s) owning multiple contiguous plots, a single Monument no larger than a sixty (60) inch base shall be permitted in the center of the lot and must be approved by the Cemetery Supervisor and Sexton.
2. **Material.** No monument or other structure on a lot above ground shall be constructed of other than cut marble, granite, natural stone, or real bronze.
3. **Foundations.** No stone, Monument, tomb, vault, or other superstructure shall be erected until a suitable foundation is laid. All foundations shall be not less than four (4) feet in depth. All tombs, mausoleums, or vaults constructed after the effective date of this Ordinance shall have such provisions made for perpetual care as is adequate in each case.
4. **Placement.** All monuments must be placed such that they face the same direction as the surrounding stones. In most Cemeteries the stones in a row face the nearest road.
5. **Boundaries.** On and after the effective date of this Ordinance, no lot or grave shall be defined by a fence, rail, curb, hedge, trees, or shrubs, or enclosure of any description

for the purpose of defining its boundaries. Boundaries that existed prior to the adoption of this rule on March 18, 2000, around burial sites may be maintained as a boundary, but no one is allowed to add to or replace them. Grade level corner markers are permissible.

6. **Repair.** Monuments and Markers erected by Grantees shall be maintained in a safe condition by the Grantee (including heirs and assigns), and the repair and replacement of same, after damage from any cause, shall be at the expense of the Grantee. Notwithstanding the primary maintenance responsibility of the Grantee, the Town may, at its sole discretion, undertake to clean and/or repair Monuments and Markers and to resolve safety concerns.

# CIVIL PREPAREDNESS ORDINANCE

Adopted March 17, 2001

## Section 1. Purpose

It is the intent and purpose of this Ordinance to establish a bureau of civil emergency preparedness in compliance and in conformity with the provisions of Title 37-B, M.R.S.A., Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

## Section 2. Definitions

The following definitions shall apply in the interpretation of this Ordinance:

Bureau. "Bureau" shall mean the Bureau of Emergency Preparedness as established by this Ordinance.

Civil Emergency Preparedness. "Civil emergency preparedness" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage, resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile actions, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, air raid warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and/or activities necessary to preparation for the caring out of these functions.

Civil Emergency Preparedness Forces. "Civil emergency preparedness forces" shall mean the employees, equipment and facilities of all town department, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Director. "Director" means the Director of the Town of Raymond Bureau of Emergency Preparedness, appointed as prescribed in this article.

Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

## Section 3. Organization

- (a) The Director shall be responsible for the Bureau's organization, administration and operation. The Director, with the consent of the Municipal Officers and if monies are appropriated, may employ such permanent or temporary employees as he or she

deems necessary and prescribe their duties.

- (b) The Director shall review the existing operational organization on a periodic basis to ascertain the Bureau's ability to cope with its responsibilities and shall approve the Town's emergency preparedness plan.

Section 4. Appointment of Director: Duties and responsibilities.

The Municipal Officers shall appoint the Town Manager as Director of the Bureau, who shall coordinate the activities of all town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other civil preparedness agencies, public safety agencies and have such additional duties as prescribed by the town manager/municipal officers.

Section 5. Rules and Regulations

The Director shall prepare such policies as may be deemed necessary for the administration and operational requirement of the Bureau, which policies must be approved by the Municipal Officers prior to becoming effective.

Section 6. Emergency proclamation

- (a) The Director shall have the power and authority to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that emergency exists in any or all sections of the town. If the Director and Municipal Officers are temporarily absent from the town or otherwise unavailable, then the following person shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the fire chief; if he or she is unavailable, the director of public works; if he or she is unavailable, the town clerk. A copy of such proclamation shall be filed within twenty-four hours in the office of the town clerk.
- (b) The Director is authorized to take whatever actions necessary and authorized by law to prevent the loss of life and property in the town.
- (c) The Director shall be responsible for submitting a full report to the Municipal Officers of all the actions taken as a result of the declared emergency as soon as possible.

Section 7. Termination of Emergency

- (a) When the Director is satisfied that a disaster or civil emergency no longer exists, he or she shall terminate the emergency proclamation by another proclamation affecting the section of the town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed with the office of the Town Clerk.
- (b) No state of emergency may continue for longer than five (5) days unless renewed by



the Director.

#### Section 8. Director duties and emergency powers

- (a) During any period when an emergency or disaster exists or appears imminent and to the extent authorized by Title 37-B, Chapter 13, the Director may promulgate such regulations, as he or she deems necessary, to protect life and property and to preserve critical resources within the purpose of this Ordinance. To the extent authorized by Title 37-B, Chapter 13, such regulations may include, but are not limited to, the following:
- (1) Regulations prohibiting or restricting the movement of vehicles in the area within the town;
  - (2) Regulations facilitating or restricting the movements of persons within the town;
  - (3) Regulations pertaining to the movement of persons from hazardous areas within the town;
  - (4) Such other regulations necessary to preserve public peace, health and safety. Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute;
  - (5) The Director may order the evacuation of persons from hazardous areas within the town.
  - (6) The Director shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivisions under the provisions of Title 37B, M.R.S.A.;
  - (7) The Director may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property;
  - (8) The provision of this section will terminate at the end of the declared emergency.

#### Section 9. Emergency Operational Plans

The Director shall prepare an Emergency Operational Plan for the Town of Raymond, which shall be submitted to the Municipal Officers for approval. It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Director in conjunction with all town department heads.

#### Section 10. Immunity from liability

All managers of the civil preparedness forces, while engaged in civil emergency preparedness activities, shall be immune from liability as set forth in Title 37-B, Section 822 M.R.S.A.

#### Section 11. Compensation for Injuries

All members of civil emergency preparedness forces shall be deemed to be employees of the state while engaged in training or on duty and shall have all the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

#### Section 12. Violation of Regulations

It shall be unlawful for any person to violate any provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or

delay any member of the civil emergency preparedness organization as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

Section 13. Penalty

Any person, firm or corporation violating any provision of this Ordinance or any rule of regulation promulgated hereunder, upon conviction thereof, shall be punished by a civil penalty of not more than twenty-five hundred dollars (\$2,500.00) and the costs of prosecution. Each day a violation continues shall be a separate offense.

Section 14. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this as a whole, it being the legislative intent that the provision of this shall be severable and remain valid notwithstanding such declaration.

Section 15. Conflicts

This Ordinance, and any orders, rules and regulations promulgated pursuant to this Ordinance, shall supersede any existing ordinances, orders, rules and regulations.

Section 16. Effective Date

This Ordinance shall become effective when passed by the voters at town meeting.

**2004 COMPREHENSIVE PLAN**

(Available under separate cover.)

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# ELECTED OFFICIAL RECALL & APPOINTMENT ORDINANCE

Adopted June 5, 2012

## Section 1. Petition for a Recall and Notice of Intention:

Registered voter of the Town of Raymond may at any time initiate a petition to recall an elected official of the Town by filing with the Town Clerk (hereafter "Clerk") a Notice of Intention containing the name(s) and address(es) of the voters signing the Notice and designating the name and address of one such voter to receive notices from the Town. The affidavit must state the name of and the office held by the official sought to be recalled and must contain a statement of the reason or reasons for the proposed recall. Each voter must sign the Notice in the presence of a circulator. The circulator must sign the petition form(s) before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk. If more than one elected official is sought to be recalled, a separate affidavit must be filed regarding each. Only one official can be named on each recall petition.

## Section 2. Petition Forms:

- A. Upon receipt of such Notice of Intent, the Clerk shall prepare and issue petition forms within three (3) business days to the person designated under Section 1 to receive notices. The petition forms prepared by the Clerk shall comply with the requirements of state and local law. Petition forms may be circulated by any registered voter of the Town of Raymond. The forms must include:
  - B. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the municipal clerk as outlined under Section 3.
  - C. Spaces for each voter's signature, actual street address and printed name; and
  - D. Space at the bottom of the form for the name and address of the person circulating the petition form which must be signed before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk.
- E. The petition forms must be filed in the office of the Clerk during the normal business hours of the Clerk's office. In order to be accepted for filing, the petition forms must be assembled as one instrument and filed together at the same time. The Clerk shall make a notation on the first page of the petition of the date and time of the filing.
- F. If the deadline for filing the petitions falls on a Saturday, Sunday, or a holiday on which the Clerk's office is closed, the deadline for filing the petition is extended to the next day during which the Clerk's office is open for business.

### **Section 3. Collection and Submission of Signatures:**

A petition form, as defined under Section 2, may be circulated or signed only by a registered voter of the Town of Raymond. A circulator of the petition form shall fill in the information required under Section 2, paragraph C and sign the form in front of a notary public or attorney prior to the submission of the form(s) or in front of the Clerk. The initiator of the petition, described under Section 1, shall collect the petition forms from all the circulators and submit the signed petition forms to the Town Clerk within 30 days of receipt of notice from the Clerk that the petition forms were available, see Section 2. Under Section 2, the Clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator, and any voter signatures on any such late form are invalid.

### **Section 4. Petition Certification and Notification:**

For the forms submitted within 30 days after the date the Clerk issued the petition forms, the Clerk shall review the petition pursuant to Section 2. In making those determinations, the Clerk shall apply the following criteria:

1. If any individual petition form fails to comply with the requirements of Section 904, that particular petition form is invalid and signatures cannot be used.
2. If the affidavit of the circulator on any individual petition form has been altered or tampered with in any way, that particular petition form is invalid and signatures cannot be used.
3. If any voter has signed more than one petition form, that voter's name shall be counted only once.

If the Clerk determines that the petition is sufficient and contains the signatures of a number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election, the Clerk shall so certify the petition and immediately give written notice of the validity to the Board of Selectmen in writing and to the official sought to be recalled.

If the Town Clerk finds that the number of valid signatures submitted, as described under Section 3 does not meet the requirements for a petition per Section 4, the Town Clerk shall file the petition and the petition forms in the Clerk's Office and notify the initiator of the petition that the petition is insufficient but may be amended within 5 business days (days when the Town Clerk's office is normally open for business). After the date of such notice the circulator may file additional, supplementary petition forms, which shall be issued, circulated and filed in the same manner as the original petition. Supplementary petition forms shall be returned no later than 14 business days from date of notice. The Clerk shall review them in the same manner as the Clerk reviews an original petition. If the Clerk finds that the petition is still insufficient, the Clerk shall notify the Board of Selectmen, the initiator, and the official sought to be recalled in writing of that determination within 5 business days. That determination by the Clerk shall not prevent the filing of a new petition for the same purpose.

Upon receipt of notice of determination, the official sought to be recalled may submit his or her resignation in writing to the Board of Selectmen, as applicable, in which case the position shall

become vacant as of the date of the written resignation and shall be filled pursuant to Section 9, as applicable.

**Section 5.**

If the official sought to be recalled does not resign from the office within 10 business days of receiving the certification of petition pursuant to Section 4, the Board of Selectmen shall proceed to call and conduct a recall election to determine if the official should be recalled. Upon receipt of the certification of sufficiency and validity from the Clerk, the Board of Selectmen shall call a public hearing to be held within 30 days of the date of the Clerk's certification. Notice of the public hearing shall be given in the same fashion as notice of proposed ordinances.

After the public hearing, the election must be held no less than 45 days nor more than 85 days after certification of the petition per Section 4 unless a regular municipal election is scheduled within 90 days of the certification of the petition, in which case the recall election must be held on the date of the regular municipal election. If the Board of Selectmen fail to schedule a public hearing and/or recall election within 15 days of the certification of the petition, the Town Clerk shall schedule either pursuant to the date requirements of this section.

**Section 6. Ballots for Recall Election:**

The ballot question for a recall election shall be substantially as follows:

"Do you authorize the recall of [name of elected official] from the position of [name of position]?"

( ) Yes            ( ) No "

**Section 7. Results of Recall Election:**

Within 2 business days of the recall election, described under Section 5, the Town Clerk shall certify and record the election results and notify the Board of Selectmen of those results. If a majority of the voters voting in the recall election vote in the affirmative, the official shall be recalled effective the date of the results provided that the total number of votes cast for and against the question exceeds the number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election.

**Section 8.**

An official sought to be recalled and who has not resigned pursuant to Section 4 shall continue to perform the duties of the office until the Board of Selectmen certifies the results of the recall election. If the official is recalled, the office shall become vacant immediately upon certification of the results of the election and shall be filled in accordance with Section 9.

## **Section 9. Filling Vacancies: Pursuant to MRSA Title 30-A, § 2602:**

After the results have been certified by the Board of Selectmen, the Clerk must prepare and call a special election within 30-45 days of that certification if there is not already a regularly scheduled election within 90 days of certification unless the conditions are met described under Section 10.

## **Section 10.**

The Town of Raymond office of an elected official shall be deemed vacant under one or more of the following conditions:

- a) Nonacceptance;
- b) Resignation;
- c) Death;
- d) Removal from the municipality;
- e) Permanent disability or incompetency;
- f) Failure to qualify for the office within 10 days after written demand by the municipal officers; or
- g) Failure of the municipality to elect a person to office.

## **Section 11.**

If the Clerk believes one or more of the above criteria are met, the Clerk shall in writing inform the Board of Selectmen and notify the affected elected official (unless deceased). A vacancy shall be declared if the Board of Selectmen determines by a majority vote of the members present that one or more of the above criteria are met.

## **Section 12.**

Following solicitation of interested candidates pursuant to MRSA §2625, vacancies in the office notwithstanding any previous actions, except for vacancies in the school board and those as the result of a recall, shall be filled by the Board of Selectmen through appointment of a registered voter residing in the Town of Raymond and at least 18 years of age. The Board of Selectmen shall confirm the appointment by a majority vote of the Board members. The appointed official shall serve until the next regularly scheduled Town election and a successor is elected and sworn. Said successor shall serve the balance of the term.



## **FEEES AND PENALTIES**

Adopted October 1986

Amended June 7, 2016

Authorize the Board of Selectmen to revise from time to time, all fees and penalties for building permits, subdivision and site plan review, and Appeals Board cases. All fees shall be included in a Town Fee Schedule. Any fee in the fee schedule shall supersede those found in the ordinances.

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## FINANCE ORDINANCE

Adopted June 5, 2018

### I. Payroll Warrants

- A. Purpose.** To allow at least one (1) of the municipal officers to review, approve, and sign the treasurer's payroll warrants.
- B. Delegation of Authority.** At least one (1) of the municipal officers (selectmen), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants for employee wages and benefits (pursuant to 30-A MRSA § 5603 (2)(A)(1)).
- C. Majority Power.** This ordinance is in addition to, not in lieu of, majority power. Nothing in this ordinance is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for payroll and for accounts payable.

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# **FIRE PROTECTION ORDINANCE**

Adopted May 19, 1995  
Amended June 7, 2011  
Amended June 7, 2016  
Amended June 8, 2021

## **ARTICLE I**

Section 1. This Ordinance shall be known as the Town of Raymond Fire Protection Ordinance.

Section 2. The purpose of the Ordinance is to establish in the manner provided by law, a Municipal Fire/Rescue Department according to the provisions of 30-A M.R.S.A. §3151 and to establish an ordinance governing the installation of sprinkler systems in certain buildings in the Town of Raymond, Maine.

Section 3. A Municipal Fire/Rescue Department means an organized Firefighting/Rescue unit established pursuant to this Ordinance.

Section 4. A Municipal Firefighter shall mean an active member, whether full-time, part-time, or on call, of a municipal fire department.

Section 5. A Municipal Rescue Member shall mean an active member whether full-time, part-time, or on call, of a municipal rescue department, who aids in providing emergency medical and rescue assistance and is qualified to render such aid under current Human Services regulations governing rescue and ambulance personnel.

## **ARTICLE II**

Section 1. There shall be a Municipal Fire/Rescue Department that is established by this Ordinance.

Section 2. The duties of the Fire/Rescue Department shall be to provide fire protection and emergency medical care to the Town of Raymond and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officials.

Section 3. The head of the Municipal Fire/Rescue Department shall be the Fire Chief, who shall be appointed by the Town Manager and confirmed by the Board of Selectmen.

## **ARTICLE III**

Section 1. Members of the Municipal Fire/Rescue Department shall enjoy the privileges and immunities as provided them by 30-A, M.R.S.A. §3155, and 14 M.R.S.A. §8101-8118.

ARTICLE IV  
NFPA LIFE SAFETY CODE 101 and NFPA FIRE CODE (NFPA 1)

The Town of Raymond adopts the NFPA Life Safety Code and NFPA fire Code 2018 edition by reference as the basis for inspection and plans review for buildings as defined in this ordinance.

ARTICLE V  
ALARM SYSTEM REQUIREMENTS

Section 1. A monitored fire alarm system is required in any business, manufacturing facility, school, day care, church, and apartment house with more than 3 units, or other public assembly occupancy of more than 1,000 square feet. Spaces of less than 1,000 square feet housed in one building or sharing common walls, roofs, or foundations are not exempted. This requirement must be implemented by December 31, 2001.

- A. Proof of yearly alarm system testing must be forwarded to: The Raymond Fire Department, Attn: Chief's Office, 1443 Roosevelt Trail, Raymond, Maine 04071 by January 1<sup>st</sup> of each year.
- B. All structures that are required to have an alarm or sprinkler system shall also have a secure key box, approved by the Fire Department, containing keys to the entire building, contact information and a map of the building.
- C. A permit shall be obtained from the Fire Chief, or his or her appointee, before the start of construction or alteration of any fire alarm system. A set of plans showing all devices and a one-line diagram of the intended system shall be submitted for review prior to a permit being issued.

ARTICLE VI

Section 1. All trash and construction dumpsters shall be placed no closer than 10 feet from a structure, overhang, overhead wires, or be protected by an automatic suppression system if placed closer than 10 feet.

The storage of any flammable items, other than items accepted by local Fire Department, Code Enforcement, in compliance with NFPA Life Safety Code, or BOCA Maine Uniform Building Code, within 10 feet of any business, manufacturing facility, apartment house, school, day care, or public assembly occupancy is prohibited.

Section 2: Solid Fuel Burning Stove Permit (Adopted June 7, 2011)

A permit is required for the installation or alteration of any solid fuel burning device in the Town of Raymond. As used in this section, the term "solid fuel burning device" includes any wood or pellet stove or any other stove which burns a solid fuel as described in the National Fire Protection Association's Standard No. 211, Standards for Chimney's, Fireplaces, Vents and Solid Fuel-Burning Appliances, and the term "alteration" means any change to the device other than routine, periodic maintenance or repair or replacement of damaged or worn components with equivalent components. Before a solid fuel burning device is utilized, the owner of the

property on which it is located must contact the Raymond Fire/Rescue Department and arrange to have the device inspected. The fee for such inspection shall be \$25.00. If the Fire/rescue Department finds that the device and its installation comply with all applicable codes and regulations, the fire/Rescue Department shall issue a permit. Permits may be obtained at either the Fire/Rescue Department or Code Enforcement Office and copies of the permits will be kept by both departments.

- A. A Solid Fuel Burning Device Permit shall be issued only when the occupancy where the device is installed complies with the following requirements:
  - 1. Smoke Detectors shall be installed, in accordance with the manufacturer's requirements at the time of the installation, within any bedroom or within 21 feet of the access door to any bedroom and one detector per 500 square feet of floor area of other living areas on each floor of the occupancy.
  - 2. Carbon Monoxide Detector(s) shall be installed, in accordance with the manufacturer's requirements at the time of installation, in the room where the solid fuel burning device is installed and in each area within, or giving access to, bedrooms.

### Section 3: Chimney Ordinance (Adopted 2008 and incorporated June 7, 2011)

- A. It is required that chimneys for solid fuel burning appliances be of a fire-resistant masonry material, except as provided in paragraph 2 below.
- B. Installation of a prefabricated metal chimney is allowed if the chimney is listed as approved by Underwriters Laboratories or a similar nationally accredited testing laboratory and such listing is in effect at the time of installation. In addition, the use of the prefabricated metal chimney must be acceptable under any homeowner's insurance policy or other property and casualty insurance policy covering the building on which the chimney is installed.
- C. In the event of a chimney fire in any kind of chimney, before the chimney is used again the property owner must have the chimney inspected by a chimney sweep certified by the Chimney Safety Institute of America and provide proof of such inspection to the Town of Raymond Fire/Rescue Department.

## ARTICLE VII DEFINITIONS AND REQUIREMENTS

Section 1. An approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association Standard 13 or 13D.

Section 2. Any building requiring the installation of a Standard 13 System shall have a fire department connection. The location of the connection shall be approved by the Fire Chief and properly signed Fire Department Connection.

Section 3. All sprinkler systems installed under this Ordinance shall have the following:

- A. A tamper switch alarm at the system shut-off;
- B. An evacuation alarm for the building that will sound when the sprinkler system is activated. The evacuation alarm shall be audible throughout the entire building;
- C. An outside water flow alarm;
- D. Butterfly valves will not be allowed on any N.F.P.A. Standard 13 System;
- E. An automatic alarm to dispatch when the system is activated.

Section 4. Occupied or unoccupied buildings or portions thereof of any construction having a sprinkler system in place, shall maintain all sprinkler and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions. The tests, repairs, alterations, or additions are to be done in such a way as to avoid the creation of a safety hazard.

The Fire Chief shall be notified before any such tests; repairs, alterations or additions are started.

Section 5. For the purpose of this Ordinance, the term building shall mean any structure except:

- A. Single-family dwelling, unless specifically included by local ordinance or state law.
- B. Two-family dwelling of two stories or less in height.
- C. Barn or stable used exclusively for agricultural purposes.
- D. Shelters having roofs supported by columns or walls and intended for storage, housing use or enclosure of persons, animals, or chattels, but not excepting any garage, out building, or any accessory buildings used for any commercial or industrial purpose.

Section 6. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local alarm energy panel to provide zone identification upon activation. The energy panel shall be located at the energy alarm panel showing each zone of the building.

Section 7. A lock box shall be provided outside the building's main entrance to any building regulated hereunder, containing a key or keys to allow access to all fire department areas.

Section 8. A permit shall be obtained from the Fire Chief before the start of construction of the sprinkler system. A set of blueprints showing the entire sprinkler system and rate of flow shall be provided when the permit is obtained.



A copy of the permit shall be forwarded to the Code Enforcement Office. No Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee.

Section 9. Any building containing a sprinkler system shall have a yearly test completed on the system by a qualified sprinkler technician. A written copy of the yearly test results shall be forwarded to the Fire Chief's office.

## ARTICLE VIII NEW BUILDING CONSTRUCTION

Section 1. An approved automatic sprinkler system shall be installed in all areas of new buildings meeting any or all of the following criteria:

- A. Three (3) or more stories in height;
- B. Thirty-five (35) or more feet in height, one hundred thousand (100,000) cubic feet in volume or forty-eight hundred (4,800) square feet in gross floor area, structures sharing a common foundation, roof, or walls totaling 4,800 square feet;
- C. Multiple family or multiple occupant dwelling and/or all lodging units of two (2) stories in height.
- D. Any single-family dwelling attached units – such as town houses, garden apartments, with three (3) or more units attached together and/or any grouping of 3 unit style buildings.
- E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.
- F. Any new or renovated Residential building consisting of One-and Two-Family buildings or structures of 4,800 square feet or more in total/gross floor area shall install an approved automatic fire sprinkler system throughout.

### **Exceptions for One-and Two-Family buildings or structures:**

- 1. An engineered on-site fire protection water supply is provided that meets or exceeds the requirements of NFPA 1; Chapter 18, for fire flow and total water supply. These systems shall be designed and stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.
- 2. An engineered compartmentalization of One-and Two-Family residential buildings or structures with 2-hour fire-rated separation wall(s) and components, with no openings or penetrations; and provides an engineered on-site fire protection water supply that meets or exceeds the requirements of NFPA 1; Chapter 18, for fire flows and total water supply required to protect the largest 2-hour rated compartment in the building/structure. These systems shall be designed and

stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.

3. The Raymond Fire Rescue Department may approve alternative methods and means of fire suppression when requested by a property owner, provided that the Raymond Fire Rescue Department finds that the requested alternative method and means meets the intent of this section, and serves to preserve and promote life, health, and safety.

Section 2. For purposes of this Article, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements, and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire-resistive walls, floors, and ceilings.

## ARTICLE IX BUILDING ADDITIONS

Section 1. An approved automatic sprinkler system shall be installed in addition to existing buildings when the cumulative area or volume of the total buildings, including the addition, equals or exceeds one hundred thousand (100,000) cubic feet in volume or forty-eight (4,800) square feet in gross area.

Section 2. In those instances where a proposed addition or additions will exceed twenty-five percent (25%) of the area and/or volume of the existing building and/or when the cost of the renovations of the existing building meeting the criteria in Article VIII New Building Construction Section 1A, B, C, D, or F is equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Collector of the Town of Raymond, Maine, and when the resulting buildings including the addition or additions meets the criteria listed above, the existing building and addition or additions shall have an approved automatic sprinkler system.

Section 3. Any building or structure of 4,800 square feet or more in total/gross floor area; any repair, reconstruction, rehabilitation, alteration, or other improvement of a building or structure which equals or exceeds 50 percent of the existing building, shall require the entire building to be installed with an automatic fire sprinkler system.

Section 4. A fire sprinkler system is required throughout in any existing residential One- and Two-Family building of 4,800 square feet or more in total/gross floor area; when any repair, reconstruction, rehabilitation, alteration, or other improvement of the building or structure which equals or exceeds 50 percent of the existing gross square footage of the building or structure. Where renovations occur that would require a building permit, and the total area of the ceiling and/or wall covering removed or exposed exceeds 50% or greater of the total gross floor area of the building/structure, an approved fire sprinkler system is required to be installed throughout.

Section 5. For the purposes of Section 3 and 4 of this Article, the Raymond Fire Rescue Department may consider the installation of a partial fire sprinkler system with the following conditions;

1. When a building is partially retrofitted with an approved automatic fire sprinkler extinguishing system pursuant to this section, the fire sprinkler extinguishing system retrofit shall be completed throughout the unprotected building interior areas within two (2) years from completion of the initial partial retrofit.
2. When a property owner or responsible party of a residential building chooses to partially retrofit a building as noted in the section above, the property owner shall file a deed restriction with Cumberland County Register of Deeds and obtain a performance bond with the Town of Raymond, Maine to ensure compliance with this ordinance.

Section 6. For purposes of this Article, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements, and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire-resistive walls, floors, and ceilings.

## ARTICLE X EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS

Section 1. A change of use or occupancy, which increases the hazard classification, shall require the installation of a sprinkler system utilizing the NFPA Life Safety Code 101 hazard schedules.

## ARTICLE XI AUTHORITY

Section 1. The Fire Department shall have the authority to inspect any building greater than a 2-family residence, public assembly occupancy, 3 family or greater, business, or manufacturing facility on a yearly basis.

Section 2. Liquor licenses will not be granted without full compliance with Fire Code.

## ARTICLE XII VIOLATIONS AND LEGAL ACTION

Section 1. When any violation of any provision of the ordinance shall be found to exist the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

## ARTICLE XIII FINES

Section I. Any person, firm, or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a

civil offense and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

#### ARTICLE XIV

This Ordinance shall be effective upon its adoption at the Town Meeting at which it is voted on.

[The ordinances entitled Town of Raymond Municipal Fire/Rescue Ordinance and Sprinkler System Ordinance were combined and renamed Town of Raymond Fire Protection Ordinance by Town Meeting vote on March 17, 2001.]

## **FLOOD PLAIN MANAGEMENT ORDINANCE**

(Available under separate cover.)

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# **LAND USE ORDINANCE**

(Available under separate cover.)

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# MASSAGE ESTABLISHMENT ORDINANCE

Adopted May 15, 1993

Amended June 5, 2018

## ARTICLE I GENERAL PROVISIONS

### Section 1. Purpose.

The purpose of this Ordinance is to regulate the operation of massage establishments in order to promote the public health, safety and general welfare.

### Section 2. Definitions.

For this purpose of this Ordinance, the following shall apply unless the context clearly implied otherwise:

Disqualifying Criminal Conviction: Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing massage establishments.

Massage: Massage therapy as defined in Section 14301(3) of Chapter 125 of Title 32 of the Maine Revised Statutes. (11/18/92).

Massage Establishment: Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available massage in the Town of Raymond for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the Town.

Massage Therapist: Any person who performs massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

Patron: Any person who receives a massage.

Person: Any individual, partnership, corporation or other entity.

Recognized School: Any school or institution of learning which has for its purpose the teaching of the theory, method, profession and work of massage and is recognized or certified by the State of Maine or any other state. Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a Recognized School.

### Section 3. Exemptions.

The following shall be exempt from this Ordinance, if duly licensed by and while practicing in accordance with the laws of this State: physicians and surgeons (medical doctors and doctors of osteopathy) physician's assistants, nurses, chiropractors, physical therapists, barbers,

cosmetologists, beauticians, and other health and hygiene professionals.

Section 4. Massage Tables.

All massages will be administered on a massage table, treatment table, or treatment mat.

Section 5. Maintenance and Cleaning.

Every person who conducts or operates a massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

Section 6. Prohibited Activities.

- A. No massage therapist shall administer a massage to a patron whose genitals are exposed.
- B. No massage therapist shall administer or agree to administer a message to the genitals or anus of a patron.
- C. No massage therapist shall administer a massage unless he or she is fully clothed with non-transparent clothing of the type customarily worn by massage therapists while administering a massage.

Section 7. Closing Hours.

No massage establishments shall be kept open for massage purposes between the hours of 12 midnight and 6:00 a.m.

Section 8. Supervision.

At all times when open for business, a massage establishment shall have upon the premises a licensed massage therapist or person who possesses a combination massage establishment/massage therapist license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

Section 9. List of Employees.

A massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Chief of Police, the Chief's authorized Deputy, and the Town Clerk or the Clerk's representative, upon request.

ARTICLE II  
LICENSES

Section 1. Required.

- A. Massage Establishment License. No person shall operate a massage establishment without a valid massage establishment license. A separate license shall be required for

each such establishment.

- B. Massage Therapist License.** No person shall work as a massage therapist without a valid massage therapist license or a combined massage establishment/massage therapist license.
- C. Combined Massage Establishment/Massage Therapist License.** A sole practitioner who employs no other massage therapist.
- D. Conditional Massage Therapist License.** For the purpose of allowing an applicant a license pursuant to Article II.1.B or II.1.C who is otherwise qualified to obtain such a license, except for compliance with Article II.6, to comply with Article II.6, a conditional massage therapist license may be issued under the following conditions:
  - 1. All provisions of Article II shall apply to a licensee under this Section, except Section 6.
  - 2. Licensee under this section shall designate one massage therapist or combined massage establishment/massage therapist licensed by the Town of Raymond as the supervisor for licensee.
  - 3. Licensee under this section may designate no more than one licensed supervisor pursuant to Article II.1.D.2 unless said licensed supervisor shall voluntarily surrender his/her license.
  - 4. The designated licensed supervisor may supervise two (2) or fewer conditional massage therapists per license year.
  - 5. Licenses issued pursuant to this Subsection D may not be renewed.

## Section 2. Licenses Displayed.

A valid massage establishment license must be displayed at all times in an open and conspicuous place in the massage establishment for which it was issued. A valid conditional massage therapist license, massage therapist license or combined massage establishment/massage therapist license must be readily available to be produced immediately if demanded of the licensee.

## Section 3. Standards for Denial.

A license application under this Ordinance shall be denied to any of the following persons:

### A. Massage Establishment License.

- 1. a corporation not registered to do business in this state;
- 2. a corporation or any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years; or
- 3. An applicant other than a corporation if such applicant or any person having an

actual ownership interest or management authority therein has a disqualifying criminal conviction, within the immediately preceding five (5) years.

B. Massage Therapist, Combined Massage Establishment/Massage Therapist, or Conditional Massage Therapist.

- d) to an applicant who has a disqualifying criminal conviction at any time during the five (5) years immediately preceding application; or
- e) to an applicant who is not at least eighteen (18) years of age.

The clerk shall make and keep a written record of every decision to deny an application for any license hereunder.

Section 4. Grounds for Suspension or Revocation.

A. All Licenses. Any license may be suspended or revoked upon a determination that the licensee:

- 1. failed to notify the clerk of any change in material facts set forth in the application for such license; or
- 2. violated any provision of this Ordinance or the License Ordinance.

B. Massage Establishment or Combined Establishment/Therapist License. In addition to the provisions of subsection (a), either a massage establishment license or combined massage establishment/massage therapist license may be suspended or revoked upon a determination that the licensee:

- 1. permitted any person to perform massage without a valid license to do so;
- 2. permitted or allowed an employee, massage therapist or conditional massage therapist to violate any provision of this Ordinance on the premises of the establishment or in the course of conduct of the business of the establishment; or
- 3. knowingly permitted any violation of Title 17-A M.R.S.A. sections 851 through 855. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period. The applicant or licensee may rebut said presumption by showing that (i) due diligence was exercised to prevent the recurrence of any such offense and (ii) despite such diligence; he or she did not know and could not reasonably have known of any subsequent offense.

Section 5. Application for Massage Establishment, Combined Massage Establishment/Massage Therapist and Massage Therapist Licenses.

Any person desiring a license pursuant to this Ordinance shall file a written, signed application with the Town Clerk on a form to be furnished by the Clerk. An application for a combined massage establishment/massage therapist license, a massage therapist license or a conditional massage therapist license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of the application, of such sizes as the Clerk may

specify.

Section 6. Basic Proficiency.

Each applicant for a massage therapist license or combined massage establishment/massage therapist license shall show proof of basic proficiency in the field of massage therapy which may be satisfied by:

- A. Evidence of completion of a formal training course in massage therapy given by a recognized school;
- B. Evidence of one hundred (100) hours of on-the-job training in massage performed in the presence of a person holding a valid massage therapist license or a combined massage establishment/massage therapist license issued by the Town of Raymond;
- C. Evidence of continuous practice as a massage therapist for at least one (1) year, accompanied by the written recommendation of at least five (5) persons holding a valid massage therapy license or a combined massage establishment/massage license issued by the Town of Raymond, which shall state that said person has personally received a massage from the applicant that was administered in a skilled and professional manner; or
- D. Evidence of successful completion of a certifying exam given by another municipality or state, or the certifying exam given by American Massage Therapy Association.

Section 7. Obtaining License by Fraud.

- A. No person shall make any false, untruthful or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Ordinance. All names, including but not limited to maiden name, every use by the applicant must be noted on the application.
- B. Any license so secured shall be void.

Section 8. Use of License.

No person shall make use of, in any manner, to his or her own or another's benefit, any license which has not been duly issued to him or her in accordance with this Ordinance.

Section 9. Compliance of Existing Therapists and Massage Establishments.

- A. Any person presently operating as a massage therapist and/or operating a massage establishment in Raymond as defined herein on the effective date of this Ordinance shall comply with the terms of this Ordinance by obtaining a license hereunder within three (3) months of the effective date of this Ordinance.

Section 10. Severability.

In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 11. Penalty.

The violation of any provision of this Ordinance shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.

Section 12. Term of License.

Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31<sup>st</sup>.

Section 13. Application Fees.

The fees for licenses pursuant to this Ordinance shall be as follows:

Massage Establishment	\$50.00
Combined Massage Establishment/Massage Therapist	\$30.00
Massage Therapist	\$25.00
Conditional Massage Therapist	\$25.00

The foregoing fees are payable at the time of application and are non-refundable.

Section 14. Applicability to Pending Applications.

Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application or request to operate a massage establishment submitted to the Town of Raymond or to any of its officers or employees on or after May 15, 1993.

## **PEDDLER'S ORDINANCE**

Adopted May 21, 1994  
Amended June 4, 2013  
Amended June 5, 2018  
Amended July 14, 2020

### Section I. Title:

This Ordinance shall be known as the Town of Raymond Peddler's Ordinance.

### Section II. Authority:

This Ordinance is enacted pursuant to 30-A MRSA §3001.

### Section III. Purpose:

The purpose of this Ordinance is to define, regulate and license peddlers; promote highway safety; preserve the character and aesthetics of the Town; to protect the property values; and to protect the health, safety, and welfare of individuals and the public.

### Section IV. Definitions:

- A. The word "person" as used herein shall include the singular and the plural, and shall also mean and include any person, firm, or corporation, association, club, partnership or society, excepting bona fide charitable, service, religious, municipal and non-profit organizations or agencies.
- B. The word "peddler" as used herein shall include any person selling or offering for sale, tangible commodities, including food, beverages and non-food goods, wares and merchandise. The word "peddler" shall include the words "hawker", "huckster", "street vendor", "mobile unit vendors" and "itinerant vendors". The definition of the word "peddler" for this Ordinance does not include but is not limited to the following exceptions:
  - C. A temporary yard sale occurring no more than four weekends in one calendar year, a fruit stand a minor or children's enterprise, the sale of camp firewood, and a car or boat for sale.
- D. The word "Town" shall mean the Town of Raymond, Maine.

## GENERAL PROVISIONS

### Section V. License Required:

It shall be unlawful for any person to engage in the business of peddler as defined in Article II of this Ordinance within the corporate limits of the Town of Raymond without first obtaining a license therefor as provided herein.

### Section VI. Application:

A. Application Procedure for Peddler License on Private Property. Applicants for license under this ordinance must file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

1. Name and description of the applicant;
2. Address (legal and local);
3. A brief description of the nature of the business and the good to be sold;
4. If employed, the name and address of the employer, together with appropriate written evidence of the applicant's employment status;
5. Description of the location from which goods will be sold and a copy of lease agreement or other documentation providing the landowner authorization to utilize described property for the sale of goods;
6. If a vehicle is to be used, a description of the same, verification of appropriate insurance, together with license number or other means of vehicle identification;
7. A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the distinguishing manner;
8. The names of at least two (2) reliable property owners of the Town who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility;
9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offenses and the punishment or penalty assessed therefore;
10. At the time of filing the application: a fee of \$250.00 dollars for Residents and \$500.00 dollars for Non-Residents shall be paid to the Town Clerk to cover the cost of investigation and administration of this Ordinance.



11. A copy of any and all current and relevant business licenses including number and effective date.

12. A sketch, drawn to scale, and, if available, a photograph of the cart to be used in the operation of the business labeling all aspects including, but not limited to, materials, measurements, appurtenances, signs, awnings, umbrellas, fuel, refrigeration, off-cart items, and water supply. Specific measurements, designs and locations of the cart and all appurtenances, including all off-cart items, shall be submitted.

- B. The number of peddlers licenses for the sale of goods on private property issued at any one time will be limited to two (2);
- C. Size Restriction: No peddler's cart set up, including any cart, tables, serving counter, food storage, coolers or preparation areas or ancillary features shall occupy a space greater than 200 sq. ft. The Town may waive the size restriction if it finds that, due to the proposed location of activity, the size of the set up will not interfere with public safety or the use and enjoyment of public property.
- D. No peddler's license shall be issued for the sale of goods on private property located within sixty-five feet (65') of any fixed-based retail establishment offering the same substantially similar good, unless the owner of the fixed-base retail establishment is also the peddler's license applicant.
- E. Peddler's Licenses shall be limited to one per person;
- F. Licenses shall be issued by the Board of Selectmen. Applications must be submitted a minimum of 30 days prior to the regularly monthly scheduled Board of Selectmen meeting.
- G. Peddlers shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than \$400,000, naming the Town of Raymond as additional insured. A certificate of insurance must be provided before a peddler's license is issued.
- H. The Town may issue peddler's license for the sale of goods on Town-owned property through the solicitation of requests for proposals for certain locations on public property approved by the Board of Selectmen.
- I. Notwithstanding the limitation on the peddler's licenses set forth in section VI.B. Above, the Town may issue temporary peddler's licenses on public or private property for the sale of goods on particular dates at a particular time and location. Applicants for temporary licenses shall complete and submit the full written peddler's license form.

#### Section VII. Investigation and Issuance:

- A. Upon receipt of a complete application by the Town Clerk, the original shall be referred to the Town Code Enforcement Officer (CEO), who shall investigate the applicant's business and moral character as deemed necessary for the protection of the public good and review the application to ensure that applicable State and local licensing is obtained as well as

review any potential zoning issues. The CEO will then issue a final written recommendation for the Town Manager to bring to the Board of Selectmen for a final vote.

- B. If the Board approves the issuance of a license, it may condition operations of the vending business to particular times or to a particular manner of operation or any combination of the foregoing.
- C. If the Board denies a license under this ordinance, it shall give notice of the grounds therefore to the applicant. The applicant may request that the Board reconsider its decision if the applicant alleges mistake or error or if additional facts should be brought to the attention of the Board to the extent available licenses remain.

#### Section VIII. Transfer:

No license issued under the provision of this Ordinance shall be used at any time by any person other than the one whom it was issued.

#### Section IX. Exhibition of Licenses:

Peddlers are required to exhibit their licenses at the request of any citizen.

#### Section X. Revocation of License:

- A. Licenses issued under the provisions of this Ordinance may be revoked by the Selectmen after notice and hearing, for any of the following causes:
  - 1. Fraud, misrepresentation, or false statement contained in the application for license;
  - 2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as a peddler;
  - 3. Any violation of any State, Federal or local law, ordinance, rule or regulations;
  - 4. Conviction of any crime or misdemeanor involving moral turpitude;
  - 5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least seven (7) days prior to the date set for hearing. Notice may also be served in hand.

Section XI. Expiration of License:

All licenses issued under the provisions of this Ordinance shall expire on their anniversary date.

Section XII. Enforcement and Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation, and a civil penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief, where appropriate.

Section XIII. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity of constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section XIV. Effective Date:

This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.

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# PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Adopted June 5, 2012

## PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Raymond wishes to establish a PACE program; and

NOW THEREFORE, the Town of Raymond hereby enacts the following Ordinance:

## ARTICLE 1 – PURPOSE AND ENABLING LEGISLATION

### A. Purpose

By and through this Ordinance, the Town of Raymond declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal

### B. Enabling Legislation

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

## ARTICLE 2 – TITLE AND DEFINITIONS

### A. Title

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

## B. Definitions

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

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
  - a. Will result in increased energy efficiency and substantially reduced energy use and:
    - 1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
    - 2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
  - b. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** “Municipality” shall mean the Town of Raymond.
3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

## **ARTICLE 3 – PACE PROGRAM**

### **A. Establishment; funding.**

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

### **B. Amendment to PACE program.**

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

## **ARTICLE 4 – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

### **A. Standards adopted; Rules promulgated; model documents.**

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

## **ARTICLE 5 – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

### **A. Program Administration**

1. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
  - a) a. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;
  - b) the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
  - c) the Trust, or its agent, will disburse the PACE loan to the property owner;

- d) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
  - e) the Trust, or its agent, will be responsible for collection of the PACE assessments;
  - f) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
  - g) the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.
2. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
  3. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
  4. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

#### **B. Liability of Municipal Officials; Liability of Municipality**

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.



# **Raymond Beach Ordinance**

Adopted June 5, 2018

## **HISTORY**

- March 14, 1970, Town Meeting Article 51, the Town of Raymond voted to accept the use of “Jones Beach”.
- May 19, 1984, Town Meeting Article 23, the Town of Raymond voted to adopt rules for use of “Jones Beach” and Crescent Beach. Also, in Article 24, the Town voted on parking restrictions.
- March 18, 2000, Town Meeting Articles 11 and 12, the Town of Raymond voted to execute a long-term agreement and a license agreement with Maine Department of Transportation and Maine Department of Inland Fisheries for the “Jordan Bay boat launch and beach area” which includes the responsibility for ongoing management and operation of the facility.
- June 6, 2000, the Board of Selectmen voted to change the name of the beach facility to “Raymond Beach.”
- August 2000, the parking area and boat launch opened, but the beach was not opened until the Summer of 2001.
- 2002, Lighting was added to the parking lot.

## **OWNERSHIP & MANAGEMENT**

- Maine Department of Inland Fisheries – Owner
- Town of Raymond – Ongoing management and operation of the facility

## **RULES**

- The Town Manager shall be responsible for setting the rules for the use of the facility.
- The rules shall be posted at Raymond Beach.

## **PARKING**

- Restrict parking within ten feet (10’) of paved roadway and declare an area two hundred feet (200’) along Route 302 on both sides of the road which is to be closed to parking and marked with signage.

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# REGULATING PERSONS AND ESTABLISHMENTS PROVIDING SERVICES SIMILAR TO MASSAGE THERAPY

Amended June 5, 2018

## ARTICLE I. GENERAL PROVISIONS

### Section 1. Purpose.

The purpose of this Ordinance is to regulate services which appear similar to massage therapy as defined in and regulated by Chapter 125 of Title 32 of the Maine Revised Statutes but which are not regulated under that Chapter (hereinafter “para-massage.”)

### Section 2. Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly implies otherwise.

Disqualifying Criminal Conviction – Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing para-massage establishments.

Massage Therapy – The professional practice of massage therapy as defined in 32 M.R.S.A. §14301(4).

Para-Massage – Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of the external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device, and which is not massage therapy.

Para – Massage Establishment – Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available para-massage for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the Town.

Para-Massager – Any person who performs a para-massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

Patron – Any person who receives a para-massage.

Person – Any individual, partnership, corporation or other entity.

### Section 3. Exemptions.

The following shall be exempt from this Ordinance while duly licensed or registered under and practicing in accordance with the laws of this State: massage therapists as defined in 32 M.R.S.A. §14301(3), physicians, physicians' assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, barbers, cosmetologists, beauticians and other health and hygiene professionals.

Section 4. All para-massages shall be administered on a massage table, treatment table or treatment mat.

### Section 5. Maintenance and Cleaning.

Every person who conducts or operates a para-massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

### Section 6. Prohibited Activities.

- A. No para-massager shall administer a para-massage to a patron whose genitals are exposed.
- B. No para-massager shall administer or agree to administer a para-massage to the genitals or anus of a patron.
- C. No para-massager shall administer a para-massage unless he/she is fully clothed with non-transparent clothing.

### Section 7. Closing Hours.

No para-massage establishments shall be kept open between the hours of 12 midnight and 6:00 a.m.

### Section 8. Supervision.

At all times when open for business, a para-massage establishment shall have upon the premises a licensed para-massager or person who possesses a combination para-massage establishment/para-massager license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

### Section 9. List of Employees

A para-massage establishment shall keep a written list of the names and current addresses of all employees, both on and off duty. Such list shall be shown to the Chief of Police, the Town

Clerk or the Clerk's representative upon request.

## ARTICLE II. LICENSES

### Section 1. License Required.

- A. Establishment License - No person shall operate a para-massage establishment without first having obtained a valid para-massage establishment license issued by the Raymond Board of Selectmen. A separate license shall be required for each such para-massage establishment.
- B. Para-Massager License - No person shall work as a para-massager without a valid para-massager license or a combined para-massage establishment/para-massager license issued by the Raymond Board of Selectmen.
- C. Combined Establishment/Para-Massage License - A sole practitioner who employs no para-massager other than himself/herself may apply for a combined para-massage establishment/para-massager license.

### Section 2. Licenses Displayed.

A valid para-massage establishment license shall be displayed at all times in the para-massage establishment for which it was issued. A valid para-massage license or a combined para-massage establishment/para-massager license must be readily available to be produced immediately if demanded of the licensee.

### Section 3. Standards for Denial.

#### A. Para-Massage Establishment License.

The Board of Selectmen may deny a license for a para-massage establishment if it finds that:

- 1. The applicant does not have a legal right to occupy the premises for which the license is sought;
- 2. The premises, business or activity are not in compliance with other local ordinances;
- 3. The applicant is a corporation that is not registered to do business in the State;
- 4. Any principal officer of the corporation or any person having an actual ownership interest or management authority therein, or the applicant, if other than a corporation, has a disqualifying criminal conviction within the immediately preceding five (5) years.

#### B. Para-Massager, Combined Para-Massage Establishment/Para-Massager.

The Board of Selectmen may deny a license for a para-massager or combined para-massage establishment/para-massager for the following reasons:

- 1. The applicant had a disqualifying criminal conviction at any time during the five (5) years

immediately preceding application; or

2. The applicant who is not at least eighteen (18) years of age.

The Board of Selectmen shall make and the Town Clerk shall keep a written record of each decision to deny an application for any license under this Ordinance.

#### Section 4. Grounds for Suspension or Revocation.

- A. All Licenses. In addition to the grounds for denial as set forth in Article II, Section 3, A & B, any license may be suspended or revoked upon a determination that the licensee:
  1. Failed to notify the Clerk of any change in material facts set forth in the application for such license; or
  2. Violated any provision of this Ordinance or of any other Ordinance of the Town of Raymond.
- B. Para-Massage Establishment or Combined Para-Massage Establishment/Para-Massager License.

In addition to the provisions of Article II Subsection 4, a para-massage establishment license or combined para-massage establishment/para-massager license may be suspended or revoked upon a determination that the licensee:

1. Permitted any person to perform para-massage without a valid license to do so;
2. Permitted or allowed an employee or para-massager to violate any provision of this Ordinance on the premises of the para-massage establishment or in the course of conduct of the business of the para-massage establishment; or
3. Knowingly permitted any violation of Title 17-A M.R.S.A. Sections 851 through 855. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period. The applicant or licensee may rebut said presumption by showing that (i) due diligence was exercised to prevent the recurrence of any such offense and (ii) despite such diligence, he or she did not know and could not reasonably have known of any subsequent offense.

#### Section 5. Application for Para-Massage Establishment, Combined Para-Massage Establishment/Para-Massage Therapist, and Para-Massage Therapist Licenses.

Any person desiring a license pursuant to this Ordinance shall file a written, signed application with the Town Clerk on a form to be furnished by the Clerk. An application for a combined para-massage establishment/para-massage therapist license or for a para-massage therapist's license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of the application, of such size as the Clerk may specify.

Section 6. Obtaining License by Fraud.

- A. No person shall make any false, untruthful or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Ordinance. All names, including but not limited to maiden name, every use by the applicant must be noted on the application.
- B. Any license secured by fraud, deceit or concealment shall be deemed to be null and void.

Section 7. Use of License.

No person shall make use of, in any manner, to his or her own or another's benefit, any license which has not been duly issued to him or her in accordance with this Ordinance.

Section 8. Existing Therapists and Massage Establishments.

- A. Any person presently operating as a para-massage therapist and/or operating a para-massage establishment in Raymond on the effective date of this Ordinance shall comply with the terms of this Ordinance by obtaining a license within sixty (60) days of the effective date.

Section 9. Severability.

In the event that any section, sub-section, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 10. Penalty.

The violation of any provision of this Ordinance shall be a civil violation punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.

Section 11. Term of License.

Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31<sup>st</sup>.

Section 12. Application Fees.

The following fees shall be established for the licenses issued under this Ordinance:

Para-Massage Establishment License	\$50.00
Para-Massager License	\$25.00
Combined Para-Massage Establishment/Para-Massager License	\$30.00

The foregoing fees are payable at the time of application and are non-refundable.

Section 13. Applicability to Pending Applications.

Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application or request to operate a para-massage establishment previously submitted to the Town of Raymond or to any of its officers or employees.



# **RESTRICTING VEHICLE WEIGHT ON POSTED WAYS**

Adopted May 20, 1997

## **Section 1. Purpose and Authority**

The purpose of this Ordinance is to prevent damage to Town ways and bridges in the Town of Raymond 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 bridges, 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 2. Definitions**

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

## **Section 3. 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 highways, and designate the Town ways and bridges 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 bridge so posed unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, 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 road commissioner or municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelway. 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 4. Exemptions

The following vehicles are exempt from this Ordinance:

- A. Any two-axle vehicle while delivering home heating fuel;
- B. Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- C. Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- D. Any school transportation vehicle while transporting students;
- E. Any public utility vehicle while providing emergency service or repairs; and
- F. Any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

#### Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the road commissioner or municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- A. No other route is reasonably available to the applicant;
- B. It is a matter of economic necessity and not mere convenience that the Applicant use the way or bridge; and
- C. The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgement, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- A. The gross registered weight of the vehicle;
- B. The current and anticipate condition of the way or bridge;

- C. The number or 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, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including by not limited to restrictions on the actual load weight and the number of frequency of vehicle trips, which shall be clearly noted on the permit.

#### Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as road commissioner, code enforcement officer or law enforcement officer).

#### Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00). Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

#### Section 8. Amendments

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

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## **SHORELAND ZONING PROVISIONS**

(Available under separate cover.)

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# SPECIAL AMUSEMENT ORDINANCE

May 15, 1993  
Amended June 5, 2018

## ARTICLE I

### TITLE, PURPOSE & DEFINITIONS

#### Section 1.1 Title.

This Ordinance shall be known and may be cited as Town of Raymond, Maine, Special Amusement Ordinance.

#### Section 1.2 Purpose.

The purpose of this Ordinance is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S.A. §1054.

#### Section 1.3 Definitions.

Entertainment. For the purposes of this Ordinance, entertainment shall include any amusement, performance, exhibition, or diversion, for the patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

Licensee. For the purposes of this Ordinance, licensee shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm association, corporation, or other legal entity, or any agent, or employee of any such licensee.

## ARTICLE II

### GENERAL

#### Section 2.1 Permit Required.

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except, radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained ~~from~~ from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all Special Amusement Permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence; his address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued under this Ordinance, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, rules and regulations, of the municipality, and state law.

The fee for a Special Amusement Permit shall be ten dollars (\$10.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days, or such other number of days as the legislature may specify, from the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall, grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, articles, bylaws, rules and regulations, or state law.

A permit shall be valid only for the license year of the applicant's existing liquor license.

## Section 2.2. Inspections.

Whenever inspections of the premises used for or in connection with the operation of the licensed business which has obtained a Special Amusement Permit are provided for or required by municipal ordinance, articles, bylaws, rules and regulations, or state law, or are reasonably necessary to secure compliance with any of the above, it shall be the duty of the licensee, his employee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

The inspection shall be commenced by the service on the licensee of a written demand for inspection, which shall specify the date and time inspection is sought. The written demand shall be delivered to the licensee, his employee, or the person in charge of the premises to be inspected.

In addition to any other penalty which may be provided, the municipal officers may revoke, after notice and hearing, the Special Amusement Permit of any licensee in the municipality who refuses to permit any such officer, official, or employee, to make an inspection, or who interferes with such officer, official, or employee, while in the performance of their duty.



The municipal officers may, after notice and hearing, suspend, or revoke, any Special Amusement Permit which has been issued under this Ordinance on the grounds that the music, dancing, or entertainment, so permitted, or activities related thereto, constitute a detriment to the public health, safety, or welfare, or violate any municipal ordinances, articles, bylaws, rules and regulations, or state laws.

### Section 2.3 Rules and Regulations.

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation, of Special Amusement Permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety, and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the house during which the permitted activities are permitted.

- A. Any licensee requesting a Special Amusement Permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days, or such other number of days as the legislature may specify, from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days or such other number of days as the legislature may specify, after an application for a permit which has been denied.
- B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Board of Appeals as defined in and pursuant to 30 A.M.R.S.A. §2691. The Board of Appeals may grant to reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation, or suspension, was arbitrary or capricious, or that the denial, revocation, or suspension, was not based on a violation of any municipal ordinance, article, bylaw, rule or regulation, or state law.

### Section 2.4 Admission.

A licensed hotel, Class A restaurant, Class A tavern, or restaurant malt liquor licensee, who has been issued a Special Amusement Permit may charge admission in designated areas approved by the municipal Special Amusement Permit.

### Section 2.5 Live Entertainment Regulation

The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed, and which are licensees under this Ordinance.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
- B. The actual or simulated touching, caressing, or fondling on the breasts, buttocks, anus, or genitals.
- C. The actual or simulated displaying of the genitals, pubic hair, buttocks, anus or any portion of the female breasts at or below the areola area thereof.
- D. The permitting of any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola area thereof.

For the purpose of this section, display or displaying and expose or exposing shall mean unclothed or un-costumed or not by a fully opaque cloth or textile material or to employ any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, anus or the portions of the female breasts at or below the areola area thereof.

### ARTICLE III

#### PENALTY, SEVERABILITY & EFFECTIVE DATE

##### Section 3.1 Penalty.

Whoever violates any of the provision of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation occurred shall be considered a separate offense.

##### Section 3.2 Severability.

The invalidity of any provision of this Ordinance shall not invalidate any other provision.

##### Section 3.3 Effective Date.

The effective date of this Ordinance shall be when enacted.

## **STREET ORDINANCE**

(Available under separate cover.)

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## **SUBDIVISION ORDINANCE**

(Available under separate cover.)

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# **SUBSURFACE WASTE DISPOSAL SYSTEM ORDINANCE**

May 20, 1995

## Section 1. Title:

This Ordinance shall be known as the Town of Raymond Subsurface Waste Disposal Ordinance.

## Section 2. Authority:

This Ordinance is enacted pursuant to Title 22 §42, and Title 30A §§3001,3428, and 4201-4223.

## Section 3. Purpose:

The purpose of the Ordinance is to protect and ultimately enhance the water quality in the Town of Raymond and to protect all inhabitants of the Town from the deleterious effects of diminished water quality.

## Section 4. Applicability:

This Ordinance shall apply to all subsurface waste disposal systems within the Shoreland Zone as defined by State law and Town of Raymond Ordinances.

## Section 5. Malfunctioning Septic Systems Within the Shoreland Zone:

No person, corporation, partnership or association, shall permit a malfunctioning subsurface waste disposal system as defined by Title 30A, Section 4201(5) to exist within the Shoreland Zone. At least once every five (5) years the local plumbing inspector may perform, or cause to be performed, a dye test on all septic systems within 250 feet of the high water mark of a lake or great pond. Malfunctioning subsurface waste disposal systems as evidenced by dye leaching or seeping into lake, rivers, streams, waterways, and wetland, or otherwise, shall be corrected by the owner as provided for in Title 30A §3428, and may be corrected by the municipal officers or their agents as provided in Title 30A §3428.

## Section 6. Right of Access:

Any person, corporation, partnership or association owning a subsurface waste disposal system shall allow the plumbing inspector to enter property and buildings during reasonable hours. If the owner of a septic system violates this provision, the local plumbing inspector shall not enter the property or building, but shall obtain an administrative inspection warrant under Rule 80(E) of the Maine Rules of Civil Procedure.

## Section 7. Collection of Expenses:

If the municipal officers incur expenses correcting a malfunctioning subsurface waste disposal system, and if they determine the owner does not have the financial capability to pay those expenses in a lump sum, they may negotiate payment over time pursuant to Title 30A §3444.

Section 8. Violations:

Any person, corporation, partnership or association maintaining a malfunctioning subsurface waste disposal system ten (10) days after receiving an order to remedy the malfunctioning subsurface waste disposal system or who otherwise does not follow the provisions of this Ordinance, shall be deemed to have violated this Ordinance.

Section 9. Enforcement of Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation and a civil penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief where appropriate.

Section 10. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section 11. Effective Date: This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.



## TOWN BOARDS, COMMITTEES, & COMMISSIONS MEMBERSHIP

Adopted March 1980  
Amended March 1982  
Amended June 5, 2018  
Amended November 13, 2018

**Purpose.** This Ordinance shall govern the membership of the boards, committees and commissions of the Town of Raymond specified herein.

**Elected Officials.** No person shall hold more than one elective office of the Town, i.e. as a member of the Board of Selectmen, the RSU #14 Board of Directors or the Budget and Finance Committee. No person holding one such elective office shall be a voting or associate member of the Zoning Board of Appeals or the Planning Board of the Town of Raymond. However, a person holding an elective office may serve as a non-voting, ex-officio member of any body as otherwise specifically provided by ordinance and may serve as the moderator at any Town Meeting.

**Conflict of Interest.** All members will abide by the rules for Conflict of Interest pursuant to 30-A MRSA §2605.

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# **TOWN MANAGER**

Adopted January, 1985

Abolish the position of Administrative Selectman and adopt the "Town Manager Plan" form of government for the Town of Raymond, as set forth in subchapter II-A of Title 30, M.R.S.A., being sections 2311-2320 thereof, excepting only that appointments by the Town Manager to the offices of Fire Chief, Road Commissioner, Code Enforcement Officer, Building Inspector and Plumbing Inspector shall be subject to confirmation by the Board of Selectmen.

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# TRAFFIC ORDINANCE

Adopted 1998  
Amended May 2, 2000

**Art. I. In General, §§ 1-10**

**Art. II. Traffic-Control Devices, §§ 11-12**

**Art. III. Specific Street Regulations, §§ 13-14**

**Art. IV. Stopping, Standing, Parking, §§ 15-19**

**Art. V. Pedestrians, § 20**

**Art. VI. Vehicle Weight Restrictions, §§ 21-25**

## ARTICLE I. IN GENERAL

### Sec. 1. Purpose and Authority

The purpose of this Ordinance is to regulate traffic in Raymond. It is enacted pursuant to 30-A M.R.S.A. § 3009.

### Sec. 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Undefined words shall be given their common and ordinary meaning.

All-day parking shall mean the occupancy of a parking stall by a vehicle between the hours of 8:00 a.m. and 5:00 p.m.

Emergency vehicle shall mean vehicles of the fire department, police department, ambulance and other vehicles of municipal departments or public service corporations which are designated by the commissioner of public safety as emergency vehicles.

Motorcycle shall mean an open vehicle with one (1) front wheel and one (1) or two (2) rear wheels.

Motor vehicle shall mean any vehicle which is self-propelled.

Law enforcement officer includes any member of the Cumberland County Sheriff's Department or the Maine State Police.

Restricted parking areas shall mean those areas in which no parking or limited parking is

allowed.

Vehicle shall mean any device in or on which a person or thing may be conveyed from one (1) place to another along a way.

### **Sec. 3. Enforcement.**

Authorized law enforcement officers shall enforce this ordinance and shall regulate the flow of traffic on all public ways. When necessary to meet an emergency situation in the interest of the health, safety or general welfare of the residents of the town, a law enforcement officer may temporarily suspend any provision of this ordinance. He or she may restrict and divert vehicular and pedestrian traffic, and he or she may restrict or regulate parking.

### **Sec. 4. Obedience to law enforcement officers.**

All persons shall comply with any order of a law enforcement officer authorized by this ordinance.

### **Sec. 5. Obedience to ordinance.**

The operator of any vehicle shall obey this ordinance unless otherwise directed by a law enforcement officer.

### **Sec. 6. Push carts and animals subject to regulations.**

Any person propelling a push cart, riding an animal, or driving an animal-drawn vehicle on a public way is subject to the provisions of this ordinance which are applicable to the driver of any vehicle, except those which by their nature cannot apply.

### **Sec. 7. Public vehicles subject to regulations.**

This ordinance also applies to all public vehicles and their drivers.

### **Sec. 8. Authority to remove vehicles.**

When a vehicle is left unattended or disabled on a public way in such a manner as to obstruct traffic, and the owner or operator fails to remove it immediately, a law enforcement officer may order it removed to the nearest garage or other safe place at the expense of the owner.

### **Sec. 9. Parking penalty.**

A person who parks a motor vehicle in violation of Article IV, Section 15 will be subject to a civil

forfeiture of one hundred dollars (\$100.00), plus attorneys' fees and costs.

Any person who parks a motor vehicle in violation of Article IV Section 18 will be subject to a civil forfeiture as set forth in Title 30A M.R.S.A., Section 3009, Subsection 1, paragraph D, plus attorneys' fees and costs.

Any person may waive court action by paying the civil forfeiture pursuant to the paragraph below. Except for violation of Article IV, Section 18 and not forgiving towing charges under Section 19, the civil forfeiture amount shall be twenty dollars (\$20.00).

Payments for all violations must be made at the Town Office. The treasurer shall give the violator a receipt for each payment and shall send a copy of it to the Town Treasurer. If payment is not made at the Town Office within seven (7) days after the notice of violation, the penalty provided by Article I, section 10 shall be imposed.

#### **Sec. 10. General penalty.**

Except where specifically indicated, a person who violates this ordinance shall be punished by a civil forfeiture of not more than one hundred dollars (\$100.00), plus attorneys' fees and costs.

### **ARTICLE II. TRAFFIC-CONTROL DEVICES**

#### **Sec. 11. Installation and maintenance of traffic signs.**

The public works department shall place and maintain all traffic signs authorized by the municipal officers and this ordinance.

#### **Sec. 12. Official traffic signs required.**

Any provision of this ordinance for which signs are required may not be enforced if at the time and place of the alleged violation an official traffic sign is not properly positioned and sufficiently legible to be seen and read by an ordinarily observant person, or the person on whom the ordinance is to be enforced know of the existence of this sign.

### **ARTICLE III. SPECIFIC STREET REGULATIONS**

#### **Sec. 13. Designation of crosswalks.**

Crosswalks are established at the approximate locations as designated by the Municipal officers and are on file in the Town Clerk's Office.

#### **Sec. 14. Crosswalk signs.**

Crosswalk signs must be placed on all designated crosswalks.

## **ARTICLE IV. STOPPING, STANDING, PARKING**

### **Sec. 15. Rules governing stopping and parking.**

The following rules govern the stopping and parking of vehicles:

- (1) Prohibited in certain places. Except in compliance with a statute or with this ordinance, a person shall not stop or park a vehicle on any public way in any of the following places:
  - a. On a sidewalk.
  - b. In front of a public or private driveway.
  - c. Within an intersection.
  - d. Within seven (7) feet of a fire hydrant, except as otherwise designated by a law enforcement officer.
  - e. On a crosswalk.
  - f. Alongside or opposite any excavation or obstruction when stopping or parking would obstruct traffic.
  - g. On the roadway side of any vehicle stopped or parked at the edge or curb of a public way.
  - h. On any bridge or other elevated structure.
  - i. At any place where official signs or yellow curbing indicates a restricted, no-stopping or no-parking area.
  - j. Within twenty (20) feet of a marked crosswalk.
  - k. Within twenty (20) feet of the near corner of the curbs at an intersection unless otherwise designated.
- (2) Not to obstruct traffic. A person shall not park any vehicle on a public way so as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
- (3) Oversize vehicles. A driver of a vehicle having an overall length of twenty (20) feet or more shall not stop or park diagonally on any public way, but may park parallel with the curb, where parallel parking is permitted, for not more than thirty (30) minutes.



- (4) Parking for certain purposes prohibited. A person shall not park a vehicle on any public way for the principal purpose of washing, lubricating or displaying it for sale, or repairing it, except for changing tires or making other emergency repairs.
- (5) Owner liable. A person shall not allow any vehicle registered in his name to be parked on any public way in violation of this ordinance.
- (6) Temporary parking restrictions. When a law enforcement officer believes circumstances require it, he or she may temporarily prohibit the parking of vehicles at the entrance to any place of public assembly, or any other place, and install signs so indicating. This restriction remains effective until the need for it no longer exists. A person shall not park a vehicle in an area in which parking is temporarily prohibited.
- (7) Interfering with snow removal. A person shall not park a vehicle at any time on any public way so as to interfere with the snow plowing or removal of snow from it by the town. A law enforcement officer may cause to be removed any such vehicle and place it in a suitable parking space, at the expense of the owner. For the purpose of facilitating snow removal, the road commissioner may place temporary signs along any public way from which the snow is about to be removed, indicating that parking a vehicle is prohibited. A person shall not park a vehicle within the area indicated by the signs.
- (8) Interfering with parking ban. A person shall not park a vehicle at any time on any public way in violation of a winter parking ban promulgated by the road commissioner.

A winter parking ban shall be declared and reduced to writing at least six hours prior to its starting time. It shall also be communicated to representatives of the communications media at least six hours prior to its starting time.

- (9) Abandoned Vehicle. For the purposes of this section, a vehicle parked or stopped on any public way, private way, or which a law enforcement officer has determined has not been moved within a seven (7) day period, may be ordered removed by a law enforcement officer, and placed in a suitable location at the expense of the owner, after reasonable attempts have been made by the law enforcement officer to contact the owner or operator.
- (10) Obstructing Certain Ways. A person shall not park a vehicle on any public way, private way, alley, fire lane, bridge, private drive or private road, in such a way as to obstruct any other public way, private way, alley, fire lane, bridge, private drive or private road, unless in the case of a private drive or private road the person has permission of the owner of the private drive or private road. A law enforcement officer, at the vehicle owner's expense, may order the immediate removal of said vehicle.

## **Sec. 16. No Parking areas .**

The following areas are designated as no parking areas:

The portion of Route 302 between the intersection of Route 302 and the east end of Maine Street and the intersection of Route 302 and the west end of Main Street including the traveled way, paved shoulders and gravel shoulders.

### **Sec. 17. No-parking signs.**

No-parking signs must be placed in no-parking areas in such a manner as to be seen and understood by an ordinarily observant person. In the case of a missing sign, enforcement may take place against a person who knew of the existence of the sign.

### **Sec. 18. Handicapped parking.**

A person shall not park a vehicle in a parking stall on a public way or a town-owned public parking lot specifically designated by the municipal officers to be used for "Handicapped Parking Only," unless the vehicle is equipped with a special designating plate or placard issued by the secretary of state under the provisions of Title 29A M.R.S.A., Section 521.

### **Sec. 19. Parking Violations - Towing.**

- (1) Purpose. The purpose of these sections is to improve the enforcement of the Raymond parking ordinances and to discourage habitual violators.
- (2) Definitions. The following words and terms as used in these sections shall have the meanings ascribed thereto, unless the context otherwise indicates:
  - A. *TOWING LIST* means a list maintained by a law enforcement agency containing the names of those wreckers approved by the Town to respond to requests for the towing of vehicles made by a law enforcement officer.
  - B. *WRECKER* means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted to and designated for that purpose.
  - C. *WAIVER CHARGES OR CHARGES* means the fees a violator may pay to waive court action plus all expenses the Town of Raymond incurs specifically enumerated in this ordinance or State law to collect fees or fines, including but not limited to certified mail fees.
- (3) Towing. A law enforcement officer is authorized, subject to the requirements of these Sections, to remove by use of a wrecker, and impound any vehicle found in a handicapped parking area, and is authorized to take whatever action is reasonably necessary to carry out the provisions of these sections.
- (4) Procedure for Towing and Impoundment. A law enforcement officer ordering towing and impoundment of a vehicle under these sections shall, at the time of such towing and impounding, or within a reasonable time thereafter, notify the dispatcher of the storage location of the vehicle. Such information shall be recorded by the dispatcher for use by the law enforcement officer and the Town. The Town shall notify the owner or operator by

certified mail, return receipt requested, of the towing and impoundment of the vehicle within five (5) business days of the towing and impoundment thereof, the storage location of such vehicle, and the requirements of release as set forth in subsection 5. This section shall not apply where an impounded vehicle has been released within the five (5) day period.

(5) Release of Vehicles. The vehicle shall not be released until:

- A. The individual requesting the release presents satisfactory evidence of his/her right to possession and signs a receipt therefore; and,
- B. The Town certifies that all civil forfeitures or waiver fees described in this ordinance, including the fees for towing and impoundment have been paid; or,
- C. Upon the certification by the Town that the owner or operator is unable to pay accumulated civil forfeitures or waiver charges by reason of poverty, having provided satisfactory proof of such status, and that such owner or operator has accepted a summons initiating a court proceeding to determine his/her liability for the alleged violations.

(6) Towing Conditions. Once a law enforcement officer has ordered towing, one (1) of three (3) following possibilities exist:

- A. If the towing truck is en route to the scene but has not yet arrived, and the owner or operator has arrived, or if they arrive approximately the same time, then the owner or operator must pay the wrecker, on arrival, in the amount of one-half ( $\frac{1}{2}$ ) of the towing charge and must pay to the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- B. If the wrecker has secured the vehicle before the owner or operator arrives, the owner or operator must pay the wrecker, on arrival, all the towing charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- C. If the vehicle is actually towed away for impoundment, the vehicle owner or operator must pay the wrecker all towing and storage charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures and waiver charges, in order to gain release of the vehicle

(7) Interference with Enforcement. It shall be a violation of these sections for any person to obstruct or attempt to prevent the removal of a vehicle as provided in these sections. The penalty for such violation shall not be less than fifty (\$50) dollars nor more than one-thousand (\$1,000) dollars.

(8) Hearings. The owner or operator of a towed and impounded vehicle may request a hearing on the applicability of these sections to the towing and impoundment. Such hearing shall be scheduled at the earliest possible date and be conducted by the Municipal officers.

## **ARTICLE V. PEDESTRIANS**

### **Sec. 20. Right-of-way at crosswalks.**

Where traffic-control signals are not in place or in operation, the operator of a vehicle shall yield the right-of-way to a pedestrian crossing a public way within any marked crosswalk or at any intersection protected by a stop sign. When any vehicle is stopped at a crosswalk or intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

## **ARTICLE VI. VEHICLE WEIGHT RESTRICTIONS**

### **Sec. 21. Purpose and Authority.**

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Raymond 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 bridges, and to reduce the public expense of their maintenance and repair.

This portion of the ordinance is adopted pursuant to 30-A M.R.S.A. 3009 and 29-A M.R.S.A. 2395 and 2388.

### **Sec. 22. Definitions.**

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Article. Any words not defined therein shall be given their common and ordinary meaning.

### **Sec. 23. 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 highways, and designate the town ways and bridges to which 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 bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, 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 road commissioner or municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or

bridge in a location clearly visible from the travelway. 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.

#### **Sec. 24. Exemptions.**

The following vehicles are exempt from this ordinance:

- (a) any two-axle vehicle while delivering home heating fuel;
- (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- (d) any school transportation vehicle while transporting students;
- (e) any public utility vehicle while providing emergency service or repairs; and
- (f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.
- (g) any vehicle engaged in solid waste pick-up or recycling.

#### **Sec. 25. Permits.**

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge;
- (c) the applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same; and
- (d) the applicant's use cannot reasonably be expected to create or aggravate a safety hazard or cause substantial damage. In making this finding, the municipal officers shall consider the cumulative effects of the permits issued to the date of the application.

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**WIRELESS COMMUNICATION**

(Available under separate cover.)