

12. Land Use Ordinance-Article 9 (Minimum Standards)

A. Section L (Signs) Amend Sign Application Information to review proposed sign language and content to be in compliance with state and federal recommendations.

Changes are shown via strikeout and colored text additions

ARTICLE #: Shall Article 9 of the Raymond Land Use Ordinance, Section L, (Fines), as adopted May 21, 1994, and amended last through June 2, 2009, be further amended by the adding the underscored language and removing the language in strikeout text as shown below?

DESCRIPTION:

Two Changes:

- *In Section 2. Signs permit, a application Information: Strike out current word "content" and replace with "types of message (fixed or electronic)"*
- *In Section 3.a. Remove word/ line "political"*
- *In Section 3.i. Remove entire line(Bulletin boards, reader boards, connection with church, etc) and adjust items up.*
- *In Section 8 Temporary Signs and Temporary Advertising Feature.b. Remove entire Temporary Political signs and content under the subsection, and adjust items listings accordingly*
- *In Section 18 Non conforming Signs-remove subsection e.(section is outdated/appears irrelevant)*

[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]

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- n. Park Administration - The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to State laws.
- o. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- p. Ownership of Park - The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed without the prior approval of the Planning Board, and any such lot sold or conveyed shall meet the lot size requirement for a site-built, single family dwelling in the respective zone in which it is located.
- q. Site Built Homes Prohibited - No dwelling unit other than a manufactured housing unit shall be located within the mobile home park.

L. Signs [Amended 06/02/09]

1. Definitions Specific to Sign Regulation

Alteration - A non-structural change or minor repair that does not involve replacing or reconfiguring the sign board or sign space, or the system used to affix the sign to the ground or to a structure. Change of color, lettering, logo, design or message constitutes alteration of a sign.

Fixed sign – A sign that is affixed in a permanent or semi-permanent manner to a sign post or sign mounting system in the ground or to a building or other structure.

Free Standing Sign - A fixed sign supported by one or more uprights or braces permanently affixed into the ground.

Identification Sign - A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.

Portable sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure.

Off-premise Sign - A sign which advertises goods and services not rendered on the premises on which the sign is located.

Reader board - A sign or portion of a sign on which the copy periodically changes or can be changed by manual, electronic or mechanical means.

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Replacement - A structural change to a sign such as a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground or to a structure, or a change or reconfiguring of the sign board or sign space. A change of color, lettering, logo, design or message not involving structural change does not constitute a replacement.

Sandwich board - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure, and that is displayed only while the business associated with the sign is open, and which contains copy set out in chalk, paint or print form which is easily changed but which is not removable lettering such as is typically found on reader boards. A sandwich board may be hung from a fixed sign or a structure, so long as they are not permanently or semi-permanently affixed.

Temporary advertising feature – An object displayed outdoors that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services, and which may include models or replicas of products, inflatable devices, assemblages of flags, balloons or banners, and similar features or displays.

Temporary sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure and that is, displayed for a temporary or limited timeframe.

Temporary commercial sign – A temporary sign that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services.

2. Sign Permits

Except as otherwise herein provided, no person shall install, erect, or place a new sign or modify, move, replace, or make alterations to any sign, without first applying for and obtaining from the appropriate reviewing authority as set out in subsection 2.a below, a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as set out in subsection 2.b below and any other information that may be required by the reviewing authority for a complete understanding of the proposed work.

Applications shall be submitted to the Code Enforcement Officer, accompanied by the required fee as specified in the Schedule of Fees established by the Board of Selectmen. For Temporary Commercial Signs and Temporary Advertising Features the fee will be a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or advertising feature upon expiration of the permit.

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Applications to install, erect, or place a new sign or modify, move, replace, or make alterations to any sign that is part of a project that is required to receive Site Plan review shall be made part of the application for Site Plan review. Sign applications that are part of a Site Plan application, and that have paid a Site Plan review fee, shall not be required to pay a sign application fee except for fees for Temporary Commercial Signs and Temporary Advertising Features, if any.

a. Reviewing Authority

Except for temporary signs or temporary advertising features, Planning Board approval and permit under the provisions of this section shall be required for the installation or replacement of any sign that is part of a project subject to major or minor site plan review, or for any other sign application referred to the Planning Board by the Code Enforcement Officer.

Code Enforcement Officer permit approval under the provisions of this section shall be required for installation or replacement of all signs not subject to Planning Board review. Prior to permitting any sign that is proposed for a site that ever received site plan approval from the Planning Board or any new or replacement signs located within the Commercial District, the Code Enforcement Officer shall consult with the Town Planner. The Code Enforcement Officer may require that any sign application be reviewed for approval by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.

b. Application Information

Applications shall include a signage plan which contains information on the location and design of the proposed sign or alteration. The plans shall show the design, size, location, color, materials, ~~contents~~ types of message (fixed or electronic) and type of lighting for each proposed sign.

Unless, waived by the Reviewing Authority, applications proposing installation or alteration of a fixed sign in the Commercial District shall be prepared by a design professional experienced in commercial signage.

3. Exceptions

Permits are not required for:

~~a. Political signs~~

~~b.a. Trespass signs allowed under subsection 9.e~~

~~e.b. Temporary real estate signs allowed under subsection 8.c~~

~~d.c. Temporary development or construction site signs allowed under subsection 8.d~~

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- e.d. Temporary signs giving notice allowed under subsection 8.a
- f.e. Identification signs
- g.f. Name signs not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located
- h.g. Signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations
- ~~i. Bulletin boards, reader boards or similar signs in connection with any church, museum, library, school or similar public structure~~
- j.h. Sandwich boards allowed under subsection 8.f
- k.i. Flags and banners allowed under subsection 8.e
- l.j. Changes to the content of established reader boards
- m.k. Signs that are located and displayed inside a building, whether visible outside of the building through a window or door.

4. Maintenance and Conformance of Signs

No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.

5. General Safety Standards for Signs

No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.

6. Motor Vehicle Signs

Signs on motor vehicles are not subject to the regulations of this Section unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:

- a. the motor vehicle is unregistered;
- b. the motor vehicle is uninspected;
- c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
- d. the motor vehicle is parked or stored continuously in the same location;

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- e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
- f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right of way adjacent to the front yard when there is parking available in a side or rear yard; or
- g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

7. Decoration and Ornamentation

Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section if one or more of the following circumstances exists:

- a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
- b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
- c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

8. Temporary Signs & Temporary Advertising Features

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The following temporary signs are allowed and shall conform to these standards and other municipal, state or federal ordinances, statutes or regulations:

a. Temporary Signs Giving Notice

Signs of a temporary nature such as advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

~~b. Temporary Political Signs~~

~~Temporary political signs may be placed in any district, except in a floodplain, are not subject to lot line setbacks, and may be placed in a public right of way or on public property but not within 150 feet of an intersection or in such locations as will create a safety hazard. Political signs may not be placed within a right of way or elsewhere prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week after Election Day. The maximum size of temporary political signs shall be 4 feet by 4 feet.~~

e.b. Temporary Real Estate Signs

One temporary real estate sign attached to a building or free standing may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.

e.c. Temporary Development or Construction Site Sign

One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project.

e.d. Banners & Flags

A banner or flag, the dimensions of which do not exceed twenty-four square feet and on which there is only the word "open" and no other lettering or numbering, may be displayed by any retail business or service establishment

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(except home occupations) during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

g. Sandwich Boards

One temporary sandwich board is allowed for each business provided it meets the requirements of this section. Sandwich boards shall not exceed three (3) feet in height or a total of nine (9) square feet per side in size. Sandwich boards shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Sandwich boards may not include any source of illumination. Sandwich boards are allowed to be displayed outside only during the hours of operation of the business. Sandwich boards are not subject to lot line setbacks, and may be placed in the portion of a public right of way abutting the property containing the business as long as they are not placed in a travel way or on a public sidewalk and do not create a hazard.

g.f. Temporary Commercial Signs

One temporary sign for commercial purposes (including but not limited to advertising or announcing a new or relocated business) up to thirty-two (32) square feet of total façade area but no more than sixteen (16) square feet per side, shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary signs are allowed in addition to any sign permitted by this section. The area of the temporary sign shall not count toward the maximum sign area allowed for an individual property.

A temporary commercial sign is not subject to lot line setbacks but shall be located within the boundaries of the property on which the business is located. A temporary commercial sign shall not be placed in a travel way or on a public sidewalk and shall not create a hazard for pedestrians or vehicles.

Temporary commercial signs shall not be installed or displayed on the same property or on adjoining properties under the control of a single person or entity for more than four (4) thirty (30) day periods per calendar year, and such periods must be non-consecutive. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods. When more than one business is located on the same property or on adjoining properties under the control of a single person or entity, the limitations of this paragraph shall apply separately to each business.

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The Code Enforcement Office shall issue permits for temporary commercial signs ("temporary sign permit") for each non-consecutive thirty (30) day period which set out the expiration date of the permit. Temporary signs shall be removed on or before the expiration date set out in the temporary sign permit.

In addition to being subject to penalties and other sanctions for violations of this Ordinance, any business that allows a temporary sign to remain in place more than the thirty (30) consecutive days allowed by this section will forfeit the permit deposit to the town.

9.2 Temporary Advertising Features

One temporary advertising feature shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary advertising features are allowed in addition to any sign permitted by this section. The area of the temporary advertising feature shall not count toward the maximum sign area allowed for an individual property.

A temporary advertising feature shall be located so that it does not create a hazard for pedestrians or vehicles. A temporary advertising feature shall not be placed in a travel way or on a public sidewalk.

Temporary advertising features shall not be installed or displayed, on the same property or properties under the control of a single person or entity, more than four (4) non-consecutive ten (10) day periods per calendar year. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods.

The Code Enforcement Office shall issue permits for temporary advertising features ("temporary advertising feature permit") for each non-consecutive 10 day period, which set out the expiration date of the permit. Temporary advertising features shall be removed on or before the expiration date set out in the temporary advertising feature permit.

Any business that allows a temporary advertising feature to remain in place more than the ten (10) consecutive days allowed by this section will forfeit the permit deposit to the town.

9. Regulations Applicable to All Signs

- a. Off-premises signs

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Off-premises signs are prohibited. All signs shall be located on the property containing the business to which the sign relates, subject to the provisions of subsection 11 below.

b. Reader Boards

Reader boards attached to permanent signage are allowed so long as they do not occupy more than 50% of the area of the sign. Reader boards shall contain no more than four (4) lines of text and the lettering on the Reader board shall not be less than 6" in height. The area of the Reader board shall be counted toward calculating the maximum gross display area of signs on the property. A reader board may contain an electronic message sign, and may include a time and/or temperature display so long as the time and/or temperature display complies with the requirements for time and/or temperature signs in subsection 9.c below. A reader board must also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

c. Time and/or Temperature signs

Time and/or Temperature Signs are allowed, and any sign otherwise permitted may include a time and temperature sign, provided that a time and/or temperature sign not be established within 2,500 feet of another time and temperature sign. A time and/or temperature sign shall be limited to 10 square feet in area and may not be located more than 10 feet above grade. The area of the time and/or temperature sign shall be counted toward calculating the maximum gross display area of signs on the property. The electronic display of a time and/or temperature sign shall not change more often than one time per minute. A time and/or temperature sign shall also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

d. Illumination & Animation

Sign illumination, if any, shall be a non-flashing light. Animated display or flashing signs are prohibited.

e. Trespass signs

Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

f. Roof mounted signs

Signs shall not be mounted to, nor placed upon the roof of any building.

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g. Street numbers

Any premise which utilizes an advertising sign or other sign identifying the premises to the traveling public must display its street numbers on at least one of the permanent signs permitted under this Section in a location visible from the nearest street. The characters of the street number shall be at least 6 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 6 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 6 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after June 2, 2009 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph.

10. Specific Standards

- a. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential-Recreation I, Limited Residential-Recreation II, Village Residential I, Village Residential II, Rural and Rural Residential districts, and any other residentially-zoned districts.
- 1) Signs related to goods and services lawfully sold on the premises are allowed, but shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises except as otherwise allowed pursuant subparagraph (4) below.
 - 2) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - 3) No sign shall extend higher than twenty (20) feet above the ground.
 - 4) Signs advertising approved commercial uses in the residential zones fronting on Route 302, will be allowed to the maximum size and number allowed in the commercial zone.
 - 5) Signs advertising approved agricultural uses in the residential zones will be allowed to the maximum size and number allowed in the commercial zone. *[Adopted 07/06/2017]*
- b. The following provisions shall govern the use of signs in the Commercial District.
- 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses of goods sold or

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services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. Signs may be single or double-faced.

- 2) The maximum display area of permanent signs in this district shall be an amount equal to one (1) square foot of area for every foot of street frontage to a maximum of two hundred eighty eight (288) square feet for each premise.
 - 3) Detached signs may extend to a maximum height of twenty (20) feet above the level of the ground upon which they are erected.
 - 4) Signs attached to a building may extend a maximum of ten (10) feet above the level of the eaves of roofs.
 - 5) Signs shall be located only in the front yard or along the front property line in cases where the commercial lot abuts a lot in a residential district. Any sign within ten (10) feet of the property line shall have the bottom of the sign not less than six (6) feet above the level of the adjacent traveled surface.
 - 6) No sign shall be more than four (4) feet above the peak of the roof and no sign shall protrude out from the building more than twelve (12) inches.
 - 7) No sign shall be more than 12 feet by 12 feet and not to exceed 288 square feet in size including the two sides of a freestanding sign.
 - 8) Signs attached to buildings shall not exceed 4 feet by 8 feet.
- c. The following provisions shall govern the use of signs in the Industrial District.
- 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses or articles produced or services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. In cases where the industrial lot abuts a lot in a residential district, the sign shall be constructed in a manner such that it will be oriented in a direction other than toward the residential district.
 - 2) Signs will be allowed to the maximum size allowed in the commercial zone but will be at the discretion of the Reviewing Authority to meet the standards of the area located.

11. Non-Conforming Signs

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The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

Any sign existing as of June 2, 2009 which does not conform to the regulations and requirements of this Section and any sign existing on the effective date of any amendment to this Section which renders the sign nonconforming may continue to be used and maintained in a condition of good repair until removed, pursuant to the following provisions:

- a. When any sign no longer advertises a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall, within thirty (30) days after the activity has ceased, remove and replace the sign with a clean, neat, and well maintained façade or covering so as not to cause detriment to the physical appearance or scenic beauty of the community.
- b. When any sign which does not conform to the regulations and requirements of this Section does not, for a consecutive period of two years or more, advertise a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall permanently discontinue the use of that sign until such time as it conforms to the regulations and requirements of this Section.
- c. Any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed no later than June 2, 2019 except that a free standing sign, located outside of the lot containing the business to which the sign relates, but in the portion of a public right of way abutting the property containing the business, and which does not create a hazard for pedestrians or vehicles, may continue in that location, subject to any authority or decision of the State, until such time as there is a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground.
- d. Alterations may be made to any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section prior to June 2, 2019 without bringing the sign into conformance with the regulations and requirements of this Section.

~~e.—Any temporary or portable sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed.~~

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~~no later than December 2, 2011.~~

M. Soils

All land uses shall be located on soils that are suitable for such proposed uses from the point of view of preventing adverse environmental impacts including erosion, mass soil movement, and water pollution. In cases of proposed structural development or other similar intensive land uses, the determination of soil conditions shall be based on a soils report, identifying soil boundaries and names, prepared by a State-certified soil scientist, geologist or registered professional engineer based on an on-site investigation. Suitability considerations shall be based primarily on suitability as described by the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

N. Timber Harvesting

All timber harvesting shall be governed by the provisions of Maine Revised Statute Title 12, Chapters 805 and 807, to the extent applicable, as well as the following regulations. Landowners may be required to provide notification of a timber harvest to the Maine Bureau of Forestry and to the municipal clerk prior to commencing timber harvesting operations. Timber harvesting in Shoreland Districts shall also be in accordance with the regulations of the Shoreland Zoning Provisions of the Town.

1. No accumulation of slash shall be left within fifty (50) feet of a road or street. At distances greater than fifty (50) feet from the road or street to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than six (6) feet above the ground.
2. Timber harvesting activities shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

O. Water Quality Protection

No activity shall store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, such that it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

P. Agricultural Uses