



Town of Raymond

Board of Selectmen ePacket

February 13, 2018

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Agenda



BOARD OF SELECTMEN Agenda

February 13, 2018

6:30pm – Regular Meeting

Broadcast Studio
423 Webbs Mills Road

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

1) Call to order

2) Executive Session

- a) Consultation with Town Attorney – Pursuant to 30-A MRSA §405 (6) (E)

3) Minutes of previous meetings

- a) January 9, 2018 – Regular meeting

4) New Business

- a) Zoning Board of Appeals Appointments – Scott Dvorak, Code Enforcement Officer
Leonard Cirelli – to fill open seat
Eric "Rick" Welch – to fill open alternate seat
- b) Quit Claim Deed – Sue Carr, Tax Collector
Thomas F Jr & Jane Ellen Noonan – Map 054 Lot 045 – 6 Bayview Drive – the property has been sold and all back and present taxes, interest, and lien costs were paid in full
- c) Consider Addition of New *Solid Waste Ordinance* to *Miscellaneous Ordinances* – Nathan White, Public Works Director
- d) Consider Update of *Private Road Standards for Recycling & Waste Services Policy* – Nathan White, Public Works Director
- e) Consider Addition of the *Appointment Protocol Policy* to the *Bylaws and Policies of the Board of Selectmen* – Sue Look, Town Clerk
In reviewing the current policies for the Town of Raymond it seems that the Appointment Protocol Policy could be added to the Selectmen's Bylaws and Policies.
- f) Consider Re-write and Update of the *Miscellaneous Ordinances* – Sue Look, Town Clerk
In the ePacket please find a list of the proposed updates and rewrites for the Miscellaneous Ordinances.

Selectman's Meeting Agenda (Page 1 of 2) January 9, 2018

4) Public Comment

5) Selectman Comment

6) Town Manager's Report and Communications

a) Confirm Dates for Upcoming Regular Meetings

- March 12, 2018 – 5:30pm, prior to the Budget-Finance Joint Dept. Head Reviews
- April 10, 2018 – 6:30pm

b) Reminder of Budget Schedule

- February 27, 2018 – 6:30pm – Department Head Review #1
- March 12, 2018 – 6:30pm – Department Head Review #2
- March 27, 2018 – 6:30pm – Budget Workshop
- April 10, 2018 – 6:30pm – Warrant review and Selectmen approval

c) Reminder of Upcoming Holiday Schedule

- Monday, February 19th – President's Day

7) Treasurer's Warrant

8) Adjournment

Previous Meeting(s) Minutes



BOARD OF SELECTMEN Agenda

January 9, 2018

6:30pm – Regular Meeting

Broadcast Studio
423 Webbs Mills Road

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Selectmen in attendance: Joe Bruno, Samuel Gifford, Teresa Sadak, Lawrence Taylor and Rolf Olsen

Selectmen absent: none

Town Staff in attendance:

Don Willard – Town Manager
Cathy Ricker – Finance Director
Sue Look – Town Clerk

1) **Called to order** at 6:30pm by Chairman Sadak.

2) **Minutes of previous meetings**

a) November 14, 2017 – Regular meeting

Motion to approved as presented by Selectman Olsen. Seconded by Selectman Gifford.

Change "Windham" to "the whole RSU" at end of Chairman Sadak's Selectmen's Comments for who will pay for the bond.

Unanimously approved as amended

b) December 12, 2017 – Special meeting (executive session only)

Motion to approved as presented by Selectman Olsen. Seconded by Selectman Gifford.

Unanimously approved

3) **Public Hearing**

a) Consider Application for Liquor License Renewal for Café Sebago

Opened public hearing at 6:31pm by Chairman Sadak.

Selectman's Meeting Agenda (Page 1 of 14) January 9, 2018

No public comments.

Town Manager Willard – We have received no complaints, concerns or issues of any kind.

Closed public hearing at 6:32pm by Chairman Sadak.

Motion to approve the Liquor License Renewal application for Café Sebago by Selectman Gifford. Seconded by Selectman Taylor.

Unanimously approved

4) New Business

a) Sebago Lake Rotary Annual Ice Derby – Ingo Hartig

Mr Hartig – Fishing derby is proposed to be held February 24 & 25, 2018.

Town Manager Willard – Fire Chief has set up a planning meeting. The derby has not been held over the past 2 years due to a lack of ice.

Motion to approve the Sebago Lake Rotary Annual Ice Derby by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

b) Loon Echo Land Trust (LELT) Land Management for Raymond Community Forest – Thom Perkins, Executive Director of LELT

Sheila Bourque – I am the Secretary of the Board for LELT. With us tonight are Thom Perkins who is the Executive Director, John Evans who is our Stewardship Manager, and John Rand from the Raymond Conservation Commission. I was involved in the Raymond Community Forest throughout the acquisition phase, fund raising, closing, trail building and continue today. We are here to talk about our land management practices in response to some concerns that were raised in November. LELT has been nationally accredited by an independent agency, one of the few in the United States.

Mr Perkins – I understand there have been some concerns. I think we start with discussion about the snowmobile trail on the Boy Scout property on River Road. *(LELT brought a PowerPoint presentation.)*

Mr Perkins went on to explain Conservation Easements. The Boy Scouts still own the land and they set the parameters of the Conservation Easement. LELT is charged with monitoring the easement and making sure the terms of the easement are complied with by the land owner and are charged with that by the laws of the State of Maine (33 MRSA §477-A).

Mr Perkins – The Boy Scouts allowed a snowmobile club, not thinking about the easement, to construct a snowmobile trail and a bridge on this conserved land. This is not allowed. The only type of bridge allowed is a low-impact bog bridge *(which is generally made of split logs and only about 2 feet wide)*. The bridge build was roughly 8' X 30' and it impacted the stream bank. I understand that there was no permit obtained to build this bridge from anyone. A wetlands permit probably would have

been necessary.

Selectman Bruno – Was there a bridge there originally?

Mr Perkins – There was no bridge there originally. There was a trail there.

Selectman Bruno – You are managing for the Boy Scouts, is that correct?

Mr Perkins – No. We are monitoring for the Boy Scouts. The Boy Scouts set the parameters...

Selectman Bruno – But the Boy Scouts said it is OK to go in and build that bridge.

Mr Perkins – That is correct. Incorrectly.

Selectman Bruno – And you came in and tore it down without going to the Boy Scouts.

Mr Perkins – No, let me finish. Let me continue with my presentation.

Selectman Bruno – I didn't ask for a presentation. I asked you here to answer questions.

Mr Perkins – I understand. Let me explain what we did. In this we sent the Boy Scouts a letter and met with the Boy Scouts and said because of the time of year, this was October 31, 2016, we said this year we would be happy to allow it to continue for the winter because we did not want to disrupt the snowmobiling season for the Raymond Rattlers, however it needed to be removed by the Boy Scouts or the Raymond Rattlers before July 31, 2017. We also provided them with an alternative stream crossing. The Raymond Rattlers did not want to construct the alternative and decided to take the bridge out. The Boy Scouts are going to let the sit revegetate and the put the trail back in the original location. Raymond Rattlers remove the bridge, not Loon Echo.

Selectman Bruno – After they were ordered to do so.

Mr Perkins – After the conservation easement terms were violated, and we are mandated by the State of Maine to have the bridge not be there.

Selectman Bruno – But the Boy Scouts said it was OK to build the bridge there and it is their property.

Mr Perkins – The Boy Scouts forgot what the terms of the easement are.

Selectman Bruno – I think you went a little overboard. Why didn't you go to the Raymond Rattlers and say, "We want to work with you on this bridge."?

Mr Perkins – We did. They were told that they could replace the bridge with a different kind of stream crossing and still use the trail, even though the trail is suspect to the conservation easement.

Chairman Sadak – So they were given an option and they chose not to go with that option.

Mr Perkins – That is correct. The Rattlers removed the bridge, not Loon Echo.

Selectman Taylor – The alternative they were given is a very poor way to cross a stream on a snowmobile or anything.

Mr Perkins – That stream crossing is designed by the National Parks Service for crossing streams in an unobtrusive way.

Selectman Taylor – Going down in you are ruining the banks even more because you are actually on each side of the bank. Then you go over what looks like telephone poles...

Mr Perkins – That is granite.

Selectman Taylor – So that is even worse on a snowmobile.

Selectman Gifford – Is anyone here from the Rattlers?

(no one responded)

Chairman Sadak – A question for you. What I am seeing is pretty strict guidelines. It sounds to me like there was some miscommunication with the Boy Scouts, LELT, the Rattlers...

Mr Perkins – The Boy Scouts signed the easement. They are the ones that set the parameters of the easement. They are the ones who said, "We don't want this kind of trail here." They are the ones who said, "We do not want any large structures here." We are the ones who monitor that and found it to be the case. They literally forgot the terms of their own easement.

Chairman Sadak – That trail is connecting a path that was already there, correct?

Mr Perkins – There was no trail there. There was just raw woods. And the snowmobile trail got put back to its original location.

Chairman Sadak – So what was the purpose of the bridge? I thought it was to connect snowmobile trails.

Mr Perkins – No. They decided they would like to have the trail go through the woods and bypass a section. They did that with a new trail and a new bridge. That is not permitted in the conservation easement. We spent a lot of money with our lawyer deciding whether we had to have the Boy Scouts remove the bridge. It is not our call. It is the State of Maine requiring us to uphold the conservation easement terms.

Chairman Sadak – I think to me it is a lot of lack of communication.

Mr Perkins – It is a lack of communication from the Boy Scouts to us. It is required of them if they are going to do something on the property they need to talk to us.

Selectman Olsen – So you never did a survey of the land prior to...

Mr Perkins – Yes, we did.

Selectman Olsen – So why was it never brought up prior to that. In all the times you came and asked for money you said that we would continue to be able to use the property as you have in the past. So, either you buried your head in the sand or you totally missed it.

Mr Perkins – No. We are talking about the bridge now, right?

Selectman Olsen – Yes. The bridge was there.

Selectman Bruno – We are talking about the use of the land.

Mr Perkins – The bridge was not there.

Selectman Bruno – When you came before the Select Board, Loon Echo wanted money from the Raymond Conservation Commission, you wanted approval from the Board, and you said that land will be used the same way it has always been used.

Mr Perkins – This is 2 different pieces of land. I am talking about the conservation easement land off the River Road with the bridge issue.

Selectman Bruno – That we gave you money to purchase.

Chairman Sadak – No.

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Mr Perkins – That is owned by the Boy Scouts, not Loon Echo Land Trust.

Selectman Bruno – Raymond didn't put any money into that land?

Mr Perkins – No.

Selectman Bruno – I think you need to go back and read the minutes. I think you, John (*Rand*), you came here and asked for \$30,000 for Raymond Conservation Commission for that land on River Road. You have an Executive Director who is saying Raymond never gave any money and I know we gave money. It is the Boy Scout land. They own some on both sides of the river and the River Road people, there's 5 or 6 that live on River Road, said, "We will allow the same use."

Mr Perkins – That may well be true, however the same...

Selectman Bruno – Then you wrote the easement terms...

Mr Perkins – The same use is the same use. They modified the use. The Boy Scouts modified the use.

Chairman Sadak – I go back to lack of communication. What happens is that people who have been using this land and not abusing it, there is no communication about what you can do, what you can't do. There is a disconnect.

Ms Bourque – Maybe I can clarify it. A conservation easement is a legal instrument filed with the State of Maine. We are not the owners of that property, the Boy Scouts are. We negotiated the terms of that agreement. The reason these exist is there are tax benefits that accrue to the Boy Scouts being in to this legal entity. Loon Echo does not own the land. Our legal responsibility is to enforce the contract, period. We need to file annual monitoring reports with the State of Maine on this piece.

Chairman Sadak – So because they own the land and you guys monitor it, they can't make changes to it to say yes to put that bridge there?

Ms Bourque – By their own terms.

Selectman Bruno – You can modify this at any time.

Mr Perkins – No, you can't.

Ms Bourque – No, you can't. The other thing is that we do not communicate directly with the Raymond Rattlers on this issue. That was all through the Boy Scouts and their attorney, not Loon Echo. We met with the Boy Scouts. Yes, we did talk to the Raymond Rattlers and gave them something that we would consider, the granite bridge, that has been approved for these types of things. The other thing I want to point out is it is not the prior use. They constructed a new trail and a new bridge after the conservation easement was in force. If that was there prior to when we did the monitoring before we entered into the agreement we would have had these discussions. That did not exist before the legal document was in place. Our legal obligation is to inform the Boy Scouts, rectify the violation, and/or report it to the State of Maine and then a whole other process starts up. So, we provided an alternative to them if they want to continue. We also negotiated a number of other things to sign trails more appropriately. Traditional use is not because I have taken my snowmobile across private land wherever I decided to make a trail. That is not allowed on private property.

Selectman Bruno – Unless you have land owner permission.

Ms Bourque – Unless you have land owner permission, correct.

Mr Evans – The land owner gives up certain rights to the land through the conservation

easement.

Chairman Sadak – That just makes no sense to me at all.

Ms Bourque – They are receiving tax benefits.

Selectman Olsen – The Boy Scouts are a tax-exempt organization.

Selectman Bruno – I don't buy that you can not amend an easement.

Selectman Olsen – Since the Boy Scouts are a tax-exempt organization, where is their tax benefit? You are saying there is a tax benefit, but if they are not paying taxes...

Ms Bourque – We could ask the attorney who worked all this out for the Boy Scouts to come to answer these questions. We are not managing their corporation. What we are managing are the terms of this legal instrument and that is a conservation easement.

Chairman Sadak – At the last meeting I don't think we had the full information about who took the bridge down.

Ms Bourque – LELT never touched the bridge. We didn't build it and we didn't take it down.

Selectman Taylor – That bridge is just an add-on. You can still get from A to B.

Ms Bourque – The original trails are still intact.

Selectman Taylor – To me I am satisfied with that part. I just had an issue with hearsay of us not being able to get up to what I call "Pinnacle II" which is land between...

Ms Bourque – That is a whole different issue. We haven't even gotten there.

Selectman Taylor – I understand that. They wanted to make the trail better for what ever reason and they did something that they probably shouldn't have.

Ms Bourque – Another thing that has to be understood is whether it is a conservation easement or fee owned land (like Raymond Community Forest), is the first year of 2 of change of management of land, there is going to be education. If someone bought 50 acres behind you, you are going to have to learn to deal with the new landowner, correct? So, we recognize that this happens wherever Loon Echo goes, there is a period of adjustment in terms of how things are going to change and how things are going to work. We did not take the bridge down, and there was an abandoned car behind the bridge that we had to make sure got removed. We are required by law to annually monitor the terms and conditions and report that to the State of Maine. So, either we work with the Boy Scouts to rectify the violation or the State of Maine is going to come in and deal with it. That's your options. This is a brand-new easement, they were learning too. They readily admit, "Whoops, we forgot!" There was no malice on anybody's part. It is adjusting and learning the new terms and conditions of this piece of property.

Ms Bourque – On to the Raymond Community Forest. We had a number of issues come up on this one. On June 21, 2016, we signed the purchase agreement to conserve this property forever. Critical to this fee owned land, is where did the money come from. Yes, the Town of Raymond gave us money. Land for Maine's Future (LMF) gave us \$150,000. If you recall, the Town did not want to participate in sponsoring this project grant. We did not give you all this information because you declined to participate in it.

An excerpt of the LMF Project Agreement Contract:

*The Premises is held by the LEIT, subject to the Project Agreement, to provide and manage for plant and wildlife habitat of local regional, and statewide importance, for forestland management, to protect undisturbed wetlands, protect water quality, natural open space, and to provide public access opportunity to Pismire Mountain and surrounding lands **for traditional, non-intensive outdoor recreational purposes.** Cooperating Entity **may establish and maintain a multi-use outdoor recreational trail system for activities such as wildlife watching, hiking, walking, cross country skiing, snowmobiling, hunting, fishing, and trapping,** all subject to applicable state, local, and federal laws ...*

We are allowed a public access on Conesca Road. We shall not prohibit hunting, fishing, or trapping on the premises, except with law. We want to make very clear, Loon Echo allows hunting on all its properties, always has, has never banned it, has no intention. If we even contemplated that we would have to come up with \$150,000 to give to LMF.

Selectman Bruno – LMF makes you allow that.

Mr Perkins – It is a policy of the Board of Directors.

Ms Bourque – It is our policy. Every single ...

Selectman Bruno – If you take money from LMF you have to allow recreation, including hunting, fishing and trapping. That is in law.

Ms Bourque – It is true. Not trapping necessarily. Trapping with land owner permission. Applicable laws in this state you must get private land owner permission. Trapping is one of them. Putting up a deer stand is another. Loon Echo has other properties that were not purchased with LMF monies and we allow hunting on every single acre. So, how have we managed the land? The land is not “posted”, its boundary is marked all along the boundary around all 364 acres. Anyone can walk onto our land. We have built trails. The lower trail was built with volunteers. The upper trail to the bluff was built with the \$24,500 investment of LEIT by the Appalachian Mountain Club. Due to the steepness, switchbacks, and erosion control we thought it best to bring in the professionals. We are allowed public access on Conesca Road. We invested \$4,900 into the parking lot. What is important to note about this parking lot is it had to be reviewed and approved before we even applied for a permit by LMF and the Bureau of Parks and Lands. They had to approve the siting of that particular lot. So, we began planning for this in August and because of the State’s review process, LMF’s review process, and the entire permitting process including engineering diagrams, etc., it took us until November to begin building that parking lot.

Selectman Taylor – It looks good. I use the land often walking with the dogs and things and it is great.

Ms Bourque – We even had to file forms that we were not disturbing a historical site. We had to go through what anybody would have to go through, only we had additional layers of review because of where our funding comes from. We have also added educational programs through a private donor. On the lower trail we have a series of educational signs that were installed this past year. We are designing and distributing to area libraries a game that kids can put in their nature backpack and go out on the trail, fill in the blanks, draw the leaf, etc. We do guided hikes on both the lower and upper trails. We put electronic trail counters out on the land for 1 year 4,251 people have used those trails. Every week we take the number and divide it in 2 (coming and going), we might have a deer or 2 in there. In conclusion:

- We did not tear down the snowmobile bridge.
- We are not going to “outlaw” hunting or any other traditional Maine uses.
- We did not “post” the land.
- We have requested that our neighbors respect our landowner boundaries.
- Where appropriate and when it provides a public need, demand and benefit, Loon Echo does allow motorized vehicle use on its properties. We have 2 preserves that allow ATVs and 2 that have marked snowmobile trails.
- We have protected this land providing open space for the town and region and is making this land available for public benefit.
- We have improved the protection of the region’s natural resources, including water
- We have created and maintains a reserve fund for perpetual stewardship
- We have constructed, named, signed and maintained 3 miles of trails for public use
- We constructed a parking lot for public access to the trails
- We have created and installed educational signs
- At the request of the neighborhood’s homeowner’s association, we restricted parking and access on the private roads and provided public access from Conesca Road only
- We have inventoried the resources on the preserve. We have sent an 80 page document to the Town that details every stand of trees, their age, the estimated harvesting going out for about 50 years.
- We have identified and inventoried rare plants within the preserve
- We have identified and inventoried wetlands and vernal pools
- We have created a “reserve” space within the 356 acres for scientific study, just above the tallus slope – an example of “old growth”

The lower level was planned to be a subdivision prior to LELT buying the property for a community forest. There is 1 section that has no trails and we believe it is deer wintering habitat and want to be sure before adding trails. This area is extensively hunted. Thank you

Selectman Taylor – Are you planning to shut down any trails from the back-side of Pismire Mountain?

Ms Bourque – Yes. There are 2 pieces of trails, 1 up at the top and 1 down at the bottom. 1 appears to be an ATV trail and that is shut off. The key to that is the only way you can get to them is across private land onto our private land. There is no public access and there is no “public” benefit. What we can not allow is people making their own trails out there. The lower level there is a half mile stretch that appears to be a snowmobile trail cut behind private homes. It doesn’t appear to go anywhere. That also will be shut down because the only way you can get to it is across landowner private property to our private property. We consider snowmobiling low impact. Loon Echo has always been willing to work with an organized group to discuss a snowmobile trail, to properly mark it, construct it, and maintain it. What we will not allow is a snowmobiling coming in wherever and just going around through the woods.

No. We won't allow that because again, we are trying to preserve a piece of property forever, so we can't just have unorganized use by whoever would want to do that.

Chairman Sadak – So you are saying that if the Raymond Rattlers came in and said, “We want to a new trail through there...”

Ms Bourque – We would sit down with them in a minute.

Chairman Sadak – The key word on this property being “new trail”.

Mr Perkins – The key word is public benefit.

Ms Bourque – It would have to provide access to anybody. So, we would be looking to see what we could do from the Conesca Road public access. How could we mark the trail to preserve the landscape (we don't want it running through a vernal pool or over rare plants), properly construct it, and then the other piece is the maintenance of that trail. This all costs money. We would be looking for a club or an organized group to work with us on trail maintenance. After that wind storm (*October 2017*) there was a lot of activity on those trails to clear them. We are managing private land for public benefit.

Selectman Taylor – I will have to do some more research. There are trails from Mountain Road all the way up that mountain. 3 or 4 of them that I have been using for 20 years with an ATV.

Ms Bourque – And you had Hancock land permission to be doing that?

Selectman Taylor – No. I didn't have anybody's permission for anything. It was just a couple of tote roads that no houses have been on for years. Maybe it wasn't the right thing to do, but we did it for years.

Ms Bourque – What we are saying is we recognize it is going to take a couple of years for everybody to get used to the new rules. We have been working with property owners on violations on our land. For example, we have a situation where there was a shed built out there and it is full of wood. We have told the landowner that Spring is fine, they can continue to use the wood this winter and then take down the shed, but it has to come down. Whether it is Loon Echo or any other private land owner, there are rules that need to be respected.

Selectman Taylor – It would be different if I went up someone's driveway. There is one gentleman who allows you to go half way up this driveway and take a right, it brings you right up to the top. That is from Raymond Hill Road.

Ms Bourque – Are we going to put a sign on the road that this is allowable by anybody so you have 100 people per month going up through there? I don't think so.

Selectman Taylor – There are other places where there are no houses to be seen and there are trails where it was clear cut 10 years ago.

Ms Bourque – We are managing it for long term preservation. We are willing to work with.. I can't speak to ATVs. We don't consider them to be low impact. Snowmobiles we consider low impact. You can't get to the lake unless you cross 2 other private properties, and who is going to want to come to our property to ride on a 1 mile loop of snowmobile trail?

Selectman Taylor – ATVs are not low impact.

Chairman Sadak – It sound to me that it is a learning curve and a miscommunication or disconnect.

Ms Bourque – If a question or concerns comes up we are more than happy to sit down

and discuss it, just pick up the phone or send us an email. I know people are going to see things differently. We are trying to work it all out.

Chairman Sadak – Do you have a link on the Raymond page so if someone has questions they can just go there.

Ms Bourque – No, we do not.

Town Manager Willard – I thought we had a conservation page. I think there is. (*There is.*)

Chairman Sadak – Thank you.

c) Abatement Request – Curt Lebel, Contract Assessor

Map-Lot	Acct #	Owner of Record	Old Assessment	New Assessment	Tax Amount
032-012-A	2180	Crescent Lake Trust	\$120,200	\$55,500	\$795.81
003-018-A	100	Michael May	\$199,800	\$55,500	\$1,774.89
010-011-D	3833	George, Kenneth & William Bartlett	\$371,200	\$255,100	\$1,428.03
012-084	1064	Alexander Arnett Eric Weindorf	\$514,700	\$460,500	\$666.66
008-092	601	James & Jodi Carroll	\$699,100	\$668,600	\$375.15

Town Manager Willard – Curt analyzed the requests and above is his recommendation. You don't have to take them.

Motion to approve the abatement for Crescent Lake Trust as listed above by Selectman Bruno. Seconded by Selectman Gifford.

Unanimously approved

Motion to approve the abatement for Michael May as listed above by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

Motion to approve the abatement for George, Kenneth & William Bartlett as listed above by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

Motion to approve the abatement for Alexander Arnett & Eric Weindorf as listed above by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

Motion to approve the abatement for James & Jodi Carroll as listed above by Selectman Bruno. Seconded by Selectman Gifford.

Unanimously approved

d) Discuss Proposed Budget-Finance Ordinance Changes – Marshall Bullock, Chairman

Mr Bullock – We have been considering changing these ordinances to clean them up a little bit. The first change is eliminating the Chair of the School Board as ex officio since we no longer review the school budget. Second change is to document electing a Vice-Chair at our first meeting each year. We have been doing this and want it reflected in the ordinance. The third change is to reduce the number of members from 9 to 7. The reason for that is that Board members are supposed to be fingers of the community and in this case where we are not involved with the school, we do not need the additional representation. Right now we have 8 members with an open seat. I would suggest that we allow attrition to take us to 7 members. If all 8 who are currently on the board want to continue, then they will be allowed to. Right now any motion to carry requires 5 of 9 members and this change would mean 4 of 7 members. These are voting members (*entire membership*), not a majority of members present. The fifth change is to “gender-ize” the language and incorporate the Code of Conduct. The Committee will be discussing these changes on January 23rd.

Chairman Sadak – Boards are having a hard time having people stepping up to be on these boards.

Mr Bullock – There is also a change in this document to allow the Selectmen to appoint to the Budget-Finance Committee in the case of a vacant seat.

Selectman Bruno – I am not sure I agree with you on the quorum and the voting members thing. You can open a meeting with a quorum of 4, but this does not mean you have to have 4 voting in the affirmative for a motion to pass. That is what you said.

Mr Bullock – Yes.

Selectman Bruno – But that is not what this says.

Selectman Olsen – Yes, it does. A voting member is a member of the committee.

Selectman Bruno – So you are saying that in order to pass something you have to have 4 votes?

Selectman Olsen – Yes. That is the way that is written.

Selectman Bruno – I don’t think that is the way it is written.

Mr Bullock – We can clean up that language to make it more clear, but that is the intent.

Selectman Bruno – I’m not sure that follows the Administrative Procedures Act (5 *MRSA*). I think you need to clarify that.

Mr Bullock – We will check on that.

Selectman Taylor – I like that, though.

Selectman Bruno – I am not sure that is actually allowed.

Selectman Olsen – That is why I wrote it. It will need to go to Public Hearing before it goes to the Annual Town Meeting.

e) Draft Purchasing Policy – Don Willard, Town Manager

Town Manager Willard – There was discussion of this at the November 2017 Selectmen’s Meeting. We were asked to make the policy less complex and shorter. We have tried to codify the existing methods.

Motion to approve the new Purchasing Policy as presented by Selectman Olsen. Seconded by Selectman Gifford.

Unanimously approved

f) Draft Sign Use Policy – Don Willard, Town Manager

Town Manager Willard – This was also discussed at the November 2017 Selectmen’s Meeting. There were a couple of concerns raised and we have made the necessary revisions.

Motion to approve the new Sign Use Policy as presented by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

g) Cemetery Ordinance Proposed Changes – Sue Look, Town Clerk

The proposed changes are to organize the items listed in the current ordinance into categories to make the document more “useable” for the staff, as well as for the owners of plots.

The Selectmen would rather see a full review of the ordinance as opposed to organizing the current and rewriting later.

h) Update the Fee Schedule to Incorporate Changes to the Tassel Top Fees – Sue Look, Town Clerk

The Tassel Top Board of Trustees have met to set the fees for the 2018 season. This is not to approve the Tassel Top fees, but to update the Town’s Fee Schedule.

Motion to approve update to the Fee Schedule as presented by Selectman Bruno. Seconded by Selectman Olsen.

Unanimously approved

i) Consideration of Printing Single Annual Town Report – Sue Look, Town Clerk

Proposal to revamp website pages for the Annual Report and post the department, board and committee reports online; only print the reports required by Maine State Statute along with the Warrant for Town Meeting in the Spring.

Motion to only print reports pursuant to 30-A MRSA §2801 along with the Dedication and the Warrant for Town Meeting by Selectman Bruno. Seconded by Selectman Olsen.

Unanimously approved

5) Public Comment

Brian Walker – Budget-Finance Committee Member – Unfortunately the committee has not as yet had a chance to review the proposed ordinance changes, so I am speaking a bit out of turn. I have a concern with the discussion that came up this evening about the unanimity that is needed. To me it flies in the face of a democratic principle which is majority rules. If you look at the way the Select Board is set up, page 5 of the policy governing the Select Board states that any action of the Board shall require the affirmative vote of a majority of its attending membership of not less than 3 members unless otherwise provided for by law. It is possible right now for the Budget-Finance Committee that we can have enough members to hit quorum, but in order to pass something we would have to be unanimous. Unfortunately, the Budget-Finance Committee at times suffers from inattendance. I would be interested, Rolf, to hear what your concept was behind it initially. It does seem to fly in the face of when the Budget-Finance Committee, which is a little different than the Select Board. We vote on every one of the warrant articles pertaining to the budget. If we do not have a “full house” then the people who wish to vote for something are up against... in order to hit the numbers it has to be more than a simple majority. I would urge that we either make the change to the proposed ordinances so that it aligns with what the Select Board is doing, because to have 2 different voting processes makes no sense to me. The Budget-Finance Committee and the rules that they apply to themselves are different than what the Select Board does. Or have the Select Board move to the same model as is being used by the Budget-Finance Committee.

Grace Leavitt – I have a couple of topics to make some comments about. First of all, just after the November meeting I spoke with the Town Manager and the Road Commissioner about this issue. I appreciated that they stood out in the cold with me for a while. It was either that morning or the morning before that the roads were treacherous. I know that I live in Maine, I certainly know by now that it is winter time, but for a couple of years now it has been very distinct how the road is treated in Raymond on Egypt Road. Once you get to the Gray line it is down to pavement most all the time. So, I am asking that as you look at budgets and contacts that you look at doing some improvements on the road treatments in Raymond. I suspect it is the same as you are entering Raymond from other towns. It just so happened that a car had gone off the road that morning and that reminded me that I should bring this to your attention to see if it can be improved upon. I know it has a cost to it. I think we can do better and I hope we do going forward. The other topic goes back to the October meeting that I caught on TV, when the 3 members from the RSU Board were here. I hope that going forward all of the Selectmen can treat anyone who is coming and speaking much more respectfully than those folks were treated that night. I took great issue with what was rude behavior on the part of some of the Select Board in speaking to these folks. I appreciate people who serve on Boards, you have trouble filling those boards, the very least we can do is be respectful when they take the time to come and speak on issues. As a member of the Raymond public I was embarrassed for it. I have spoken to one of those people since to say as much, I think that they deserve better. I know serving on Boards can often be a very thankless job and I expect that everyone behaves respectfully. My understanding of a Board, and I have served on many Boards and Committees, is you take input from your constituents, in this case Raymond, and you bring those concerns to that Board, but then as a Board Member I am to vote on an issue in the best interests of the organization that that Board serves, in this case the RSU. So, even though the 3 members from Raymond are representing Raymond constituents and need to look out for Raymond's interests, when they vote on a Board I hope they are looking at the interests of the students of the RSU. It seemed that there were those here who felt that they should always vote whatever way Raymond

folks would want them to vote, but I think their obligation is to the organization at that point. Thank you.

6) Selectman Comment – None

7) Town Manager's Report and Communications

a) Confirm Dates for Upcoming Regular Meetings

- February 13, 2018
- March 12, 2018, at 5:00pm before the Budget Meeting if needed

b) Reminder of Budget Schedule

- February 13, 2018 – Budget from Town Manager to Select Board
- February 27, 2018 – Department Head Review #1
- March 12, 2018 – Department Head Review #2
- March 27, 2018 – Budget Workshop

c) Reminder of Upcoming Holiday Schedule

- Monday, January 15th – MLK Jr Day

8) Treasurer's Warrant

Motion to approve the Treasurer's Warrant totaling \$59,371.90 by Selectman Bruno. Seconded by Selectman Taylor.

Unanimously approved

9) Adjournment

Motion to adjourn at 8:04pm by Selectman Bruno. Seconded by Selectman Gifford.

Unanimously approved

Respectfully Submitted,

Susan L Look
Town Clerk

Zoning Board of Appeals Appointments

Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Rd
Raymond ME 04071
204-655-4742 fax 207-655-3024
sue.look@raymondmaine.org

Requested Meeting Date:

February 13, 2018

Requested By & Date:

Mary Quirk January 30, 2018

CONTACT INFORMATION

Address:

Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.

Email Address:

207-655-4742

Phone #:

ext 161

AGENDA ITEM REQUESTED

Agenda Item Subject:

Application of Leonard Cirelli to fill vacancy on Board of Appeals

Agenda Item Summary:

At its January 29, 2018 meeting, the Board of Appeals voted unanimously to approve Leonard Cirelli's application and to forward them to the Select Board with a recommendation that he be appointed.

Action Requested/Recommendation:

Approval Public Hearing Information Only

List of Attachments Included:

List of Attachments: Edward Kranich application



**The Town of Raymond Needs
Volunteers
To Serve on Various Boards and
Committees**

If you are a Raymond resident and interested in serving on any of the following committees or boards, please fill in the information below and return it to the Town Clerk, who will make sure it gets to the appropriate board or committee chair(s) for consideration and response. Not all committees and boards currently have openings, however, vacancies occur on a regular basis.

- Beautification Committee
- Board of Assessment Review
- Cemetery Committee
- Conservation Commission
- Planning Board
- Raymond Recreation Association
- Recycling Committee
- Tassel Top Park Board of Directors
- Technology Committee
- Veteran's Memorial Committee
- Zoning Board of Appeals

There are many other opportunities to serve your town as an elected official, a member of a community resource organization, an election worker on Election Day, etc. Contact the Town Clerk for more information.

Please complete this form and submit to:

Town Clerk, 401 Webbs Mills Road, Raymond ME 04071
or via fax to (207) 655-3024
or via email to sue.look@raymondmaine.org

Name:	LEONARD CIRILLI
Mailing Address:	P.O. BOX 646 (34 LAKESIDE DR)
Telephone Number:	655-6032
Occupation:	RETIRED
E-mail Address:	MONTYROCK@MAINE.AR.COM

Boards and/or committees you are interested in (please list in order of preference):

1. ZONING BOARD OF APPEALS
2.
3.

Why are you interested in the board(s) and/or committee(s) chosen above?

I HAVE OWNED MULTIPLE PROPERTIES IN RAYMOND FOR SEVERAL YEARS. I HAVE A LARGE INTEREST IN THE TOWN AND THE WATERWAYS.

What contributions, benefits, talents, and skills can you bring to the Town of Raymond?

I BELIEVE I COULD BRING A FAIR VIEW TO THE COMMITTEE, I AM COMPUTER LITERATE. I AM VERY PROUD OF THE TOWN

What do you feel is the responsibility of the boards and/or committees you chose?

TO HELP MAKE THE CORRECT + RECOMMEND THE BEST CHOICES FOR THE USE OF LAND + SHORELAND

What municipal boards, volunteer organizations, or community service groups/committees have you worked with in the past and for what length of time?

I HAVE RETIRED + NEVER HAD TIME TO CONTRIBUTE. NOW I FEEL I CAN,

Will your schedule be flexible enough to allow you to attend meetings on a regular basis?

Yes No

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Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Rd
Raymond ME 04071
204-655-4742 fax 207-655-3024
sue.look@raymondmaine.org

Requested Meeting Date:

Requested By & Date:

CONTACT INFORMATION

Address:

Email Address:

Phone #:

AGENDA ITEM REQUESTED

Agenda Item Subject:

Agenda Item Summary:

Action Requested/Recommendation: Approval Public Hearing Information Only

List of Attachments Included:

9/26/2017



**The Town of Raymond Needs
Volunteers
To Serve on Various Boards and
Committees**

If you are a Raymond resident and interested in serving on any of the following committees or boards, please fill in the information below and return it to the Town Clerk, who will make sure it gets to the appropriate board or committee chair(s) for consideration and response. Not all committees and boards currently have openings, however, vacancies occur on a regular basis.

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- Board of Assessment Review
- Cemetery Committee
- Conservation Commission
- Planning Board
- Raymond Recreation Association
- Recycling Committee
- Tassel Top Park Board of Directors
- Technology Committee
- Veteran's Memorial Committee
- Zoning Board of Appeals

There are many other opportunities to serve your town as an elected official, a member of a community resource organization, an election worker on Election Day, etc. Contact the Town Clerk for more information.

Please complete this form and submit to:

Town Clerk, 401 Webbs Mills Road, Raymond ME 04071

or via fax to (207) 655-3024

or via email to sue.look@raymondmaine.org

Name:	ERIC WELCH "Rick"
Mailing Address:	8 ELIZABETH AVE., RAYMOND, ME 04071
Telephone Number:	415-6145 or 655-9028
Occupation:	HEAD COUNTERMAN AND OUTSIDE SALESMAN FOR AUTO PARTS STORE.
E-mail Address:	rickwelch16@yahoo.com

Boards and/or committees you are interested in (please list in order of preference):

1. ZONING BOARD OF APPEALS.
2.
3.

Why are you interested in the board(s) and/or committee(s) chosen above?

I WAS A MEMBER OF RAYMOND FIRE DEPT. FOR 30 YEARS. I WAS A VOLUNTEER STARTING IN 1978 AS A 13 YEAR OLD. I GOT DONE WITH FIRE DEPT. A FEW YEARS AGO BUT WOULD LIKE TO CONTINUE TO VOLUNTEER.

What contributions, benefits, talents, and skills can you bring to the Town of Raymond?

I HAVE LIVED IN RAYMOND ALL MY LIFE AND TRING ON THE FIRE DEPT. I KNOW THE TOWN WELL. I ALSO WORKS IN CONSTRUCTION/EXCAVATION FOR 16 YEARS SO AM FAMILIAR WITH THE PROCESS.

What do you feel is the responsibility of the boards and/or committees you chose?

TO LOOK AT THE FACTS PUT FORTH BY THE TOWN AND THE LAND OWNER AND MAKE A BALANCED DECISION BASED ON THOSE FACTS.

What municipal boards, volunteer organizations, or community service groups/committees have you worked with in the past and for what length of time?

RAYMOND FIRE DEPT. FOR 30 YEARS. RAYMOND FIRE ASSOCIATION. WAS ON SEVERAL FIRE RELATED COMMITTEES OVER THE YEARS.

Will your schedule be flexible enough to allow you to attend meetings on a regular basis?

Yes No

Thank you for your interest in the Town of Raymond!

Quit Claim Deed

Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road
Raymond, Maine 04071
207-655-4742 fax 207-655-3024
sue.look@raymondmaine.org

Requested Meeting Date:	9/12/2017	Request Date:	08/09/2017
Requested By:	Sue Carr		
Address:			
eMail:	sue.carr@raymondmaine.org		
Phone #:			

Category of Business (please check one):

- Information Only Public Hearing Report Action Item
 Other - Describe **sign Quit Claim Deed**

Agenda Item Subject:	Quit Claim Deed
Agenda Item Summary:	Quit Claim Deed for Thomas F Noonan Jr and Jane Ellen Noonan owed taxes from 2011 to present. Paid taxes in full.

Action Requested/ Recommendation:	Sign Quit Claim Deed
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Attachments to Support Request:	
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401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
655-3024 (Fax)

February 13, 2018

Board of Selectmen,

The Town of Raymond foreclosed on the property located at 6 Bayview Dr. map 54 Lot 45 (old account number C2140R) (new account number 3060) on 2/13/2013. The property was sold, and all back taxes, interest, and lien cost were paid in full and this year taxes are also paid in full. This account has a zero-balance needing a Quit Claim Deed.

Thank you,

A handwritten signature in cursive script that reads "Sue Carr".

Sue Carr
Tax Collector

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to NOONAN THOMAS F JR, NOONAN JANE ELLEN in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 54, Lot 45

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by a lien filed for nonpayment of taxes on said parcel of land with reference being made to a lien filed against Map 54, Lot 45 in the name of NOONAN THOMAS F JR, NOONAN JANE ELLEN in and recorded in said Registry of Deeds.

BK 28887	PG 27	BK 29838	PG 184	BK 30940	PG 77
BK 31729	PG 101	BK 32517	PG 125	BK 33358	PG 294
BK 31995	PG 67				

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by TERESA SADAK, LAWRENCE TAYLOR, JOSEPH BRUNO, SAMUEL GIFFORD, ROLF OLSEN, AND ROLF OLSEN, thereto duly authorized, this 13th day of February 2018.

THE INHABITANTS OF THE TOWN OF RAYMOND

_____ By: _____
Witness to All TERESA SADAK, Selectman

LAWRENCE TAYLOR, Selectman

JOSEPH BRUNO, Selectman

SAMUEL GIFFORD, Selectman

ROLF OLSEN, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally, appeared before me, the above-named Teresa Sadak, Lawrence Taylor, Joseph Bruno, Samuel Gifford, and Rolf Olsen, aforesaid Selectmen, known to me, this 13th day of February 2018 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public

Solid Waste Ordinance

MUNICIPAL SOLID WASTE ORDINANCE

Adopted June 5, 2018

Section 1. Title:

This Ordinance shall be known as the Town of Raymond Municipal Solid Waste (MSW) Ordinance.

Section 2. Authority:

This Ordinance is enacted pursuant to 30-A MRSA §3001 and 38 MRSA §1305.

Section 3. Purpose:

The purpose of the Ordinance is to educate the citizens of Raymond regarding MSW pickup and to protect all inhabitants of the Town from the deleterious effects of improperly disposed of MSW. It is declared and recognized that the proliferation and accumulation of refuse discarded inappropriately endangers the free utilization and enjoyment of a clean and healthful environment by the citizens of Raymond and constitutes a public health hazard.

Section 4. Definitions:

- 1. Bulky Waste – means waste types that are too large to be accepted by regular waste collection. Bulky waste items include, but are not limited to, discarded furniture (couches, recliners, tables), large appliances (refrigerators, ovens, tv's), and plumbing fixtures (bathtubs, toilets, sinks).**
- 2. Construction and Demolition Debris – means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.**
- 3. Municipal Solid Waste – means useless, unwanted or discarded common household solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish and garbage, but does not include hazardous waste, biomedical waste, septage or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.**
- 4. Recycling – means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.**
- 5. Wood Wastes – means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.**
- 6. Yard Wastes – means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.**

Section 5. Responsibility of Owner:

Bulky Waste, Construction and Demolition Debris, Wood Wastes, and Yard Wastes as defined in Section 4 are the responsibility of the owner to arrange for disposal. There are several local facilities which may or may not charge a disposal fee. These materials may not be included in the weekly pickup of Solid Waste.

Section 6. Weekly Pickup:

The Town of Raymond provides weekly pickup of Recycling and MSW. There is a list, maintained at the Raymond Town Office, of which day each qualified road in Raymond will have Recycling and MSW pickup (for road qualifications see the Town of Raymond Policy entitled PRIVATE ROAD STANDARDS FOR RECYCLING AND WASTE SERVICE).

There may be exceptions to weekly pickup listed in the contract with the company responsible for pickup. Any such exceptions will be posted on the Town of Raymond's website at www.raymondmaine.org.

It is the responsibility of the citizen to have their Recycling and MSW ready for pickup prior to 7:00am on the day of pickup. If the owner chooses to put the Recycling and MSW out the night prior, it must be secure from spillage and from animals.

Section 7. Containers Used For Weekly Pickup:

1. Recycling

a) Cardboard

- 1. Shall be broken down and laid flat**

b) Recycling Container

- 1. Shall be marked with the owner's house number**
- 2. Shall be large enough to keep the contents from spilling onto the ground**

2. MSW

a) Up to 2 containers

- 1. Containers must be no more than 32-gallon capacity each**
- 2. Not to exceed 50 pounds each**
- 3. Shall be marked with the owner's house number**
- 4. Shall be large and sturdy enough to keep the contents from spilling onto the ground and from being ripped open by animals**

b) Garbage bags – must be put in a container

Section 8. Violations:

- 1. Containers Too Big/Heavy – any container which exceeds 32-gallon capacity or 50 pounds in weight will not be picked up.**
- 2. Allows MSW onto the Ground – for any container which does not keep the Recycling and/or MSW contained due to any reason, it will be the owner's responsibility to clean up any related debris. If the debris is not removed within 7 days, the Town of Raymond will clean it up and charge the owner at a rate of \$50 per hour with a 1 hour minimum.**

Town of Raymond Policy

PRIVATE ROAD STANDARDS FOR RECYCLING AND WASTE SERVICE

1. General

- a. The purpose of this policy is to be able to safely and efficiently deliver services to residents on qualifying Private Roads.
- b. Private Roads seeking to qualify for services must meet or exceed the standards listed to the satisfaction of the Town of Raymond's Public Works Director.

2. Definitions

- a. Year-round Resident – must qualify to vote and to register motor vehicle(s) in the Town of Raymond

3. Layout of roads

- a. All private roads must have four (4) or more houses with year-round residents
- b. Have a year-round road association representative and/or contract person name and phone number on file at the Town Office
- c. Have a signed release of Liability Waiver on file at the Town Office

4. Design and construction standards

- a. Minimum drive surface width of ten (10) feet
- b. Minimum overhead clearance of fourteen (14) feet
- c. Minimum overall cleared width of twelve (12) feet, including, but not limited to: trees, rocks utility poles and any other objects that may narrow roadway for safe passage
- d. Dead end roads will not be permitted without a suitable turn-around of a width of twenty (20) feet and depth of thirty (30) feet
- e. Gravel roads must be able to support heavy vehicles year-round

5. Road maintenance

- a. Gravel roads must be graded as needed
- b. Roads must be plowed and sanded
- c. Snow banks must be kept back to meet the minimum road width criteria [see Section 2.4 above].
- d. Turnaround must be kept cleared and vacant year round
- e. Access points of roads must be twenty (20) feet in width with visual clearance of one hundred (100) feet on both sides

Approved this 13th day of February, 2018, by the Raymond Board of Selectmen:

Teresa Sadak, Chairman

Rolf Olsen, Vice-Chairman

Joseph Bruno, Parliamentarian

Samuel Gifford

Lawrence Taylor

Appointment Protocol Policy

February 2, 2018

To: Don Willard, Town Manager
From: Sue Look, Town Clerk
Re: **Select Board Appointments**

Currently there is a separate policy approved May 6, 2003, entitled *Board of Selectmen Appointment Protocol*. I am recommending that it be added to the *Bylaws and Policies of the Board of Selectmen* as follows:

Section 25. Appointment Protocol

1. Re-appointments

- a. All appointed terms of board and committee members shall be considered to begin on ~~August 4~~ July 1st of the year appointed unless filling the incomplete term of another member, and shall expire on ~~July 30th~~ June 30th of the year of expiration. Members appointed to complete a vacated term shall serve from the date appointed and sworn in to the term expiration.
- b. The Town Clerk shall submit to the ~~Selectmen~~ Select Board at their first regular meeting ~~following Town Meeting in June~~ a list of all appointed board and committee members whose terms are due to expire. Prior to submittal the Clerk shall ask the board/committee chairs to ascertain to the best of their ability whether or not the member desires to serve another term and forward that information to the ~~Selectmen~~ Select Board along with the list.
- c. If unforeseen circumstances prohibit the ~~Selectmen~~ Select Board from making appointments prior to ~~August 4~~ July 1st the existing members shall serve until re-appointed or the position refilled.

2. Filling Positions Vacated by Resignation Prior to the End of a Term

- a. Upon receipt of written resignation public notification will be made by the board or committee from which the resignation is occurring announcing the resignation as a formally stated agenda item at the next regularly scheduled meeting.
- b. After the announcement of the resignation at the board or committee meeting, the formal acceptance of the resignation will be an agenda item for the next available ~~Selectmen's~~ Select Board's Meeting.
- c. After the ~~Selectmen~~ Select Board accept the resignation, an advertisement for interested candidates will be ~~run in both the Raymond Road Runner and the Suburban News~~ posted on the Town's website, Facebook page, Cable TV channel, electronic sign, and, if deemed necessary by the Town Manager, in the local newspapers. Applications will be accepted for a 30-day period from the date of publication. After applications close, all applications will be forwarded to the board or committee for consideration at their next regularly scheduled meeting.

- d. Consideration of candidates will then appear as a formally stated board or committee agenda item at the next regular meeting wherein the board or committee will make a recommendation for the appointment to the ~~Board of Selectmen~~ Select Board.
- e. The recommendation will then be submitted to the ~~Selectmen~~ Select Board and considered as an agenda item at the next regular ~~Selectmen's~~ Select Board's Meeting.
- f. The ~~Selectmen~~ Select Board will make an appointment within 30 days based on the qualifications and background of the candidates seeking the position and the recommendation of the board or committee.
 - i. In the case of the Planning Board and the Zoning Board of Appeals the Select Board requires that the candidates attend the meeting in which their membership is to be considered.

3. Removal of Members

- a. Non-attendance – the ~~Selectmen~~ Select Board shall, at the review and request of a board or committee, consider the removal of a member from such board or committee for repeated and continual absences without notification to the board or committee and good cause.
- b. Conflict of Interest – the ~~Selectmen~~ Select Board shall rely on *30-A MRSA § 2605 Conflicts of Interest* as the basis for consideration of removal of a member of an appointed board or committee.

4. Complaints Brought by the Public

- a. Should any member of the public bring a complaint regarding the conduct of a board or committee member or their ability to serve in their capacity to the attention of a board, committee, the ~~Selectmen~~ Select Board or the Town Manager, the complaint shall first be forwarded to the board or committee on which the member serves to be reviewed at their next regularly scheduled meeting. A review of the complaint shall be conducted, and a recommendation be forwarded to the ~~Selectmen~~ Select Board. The ~~Selectmen~~ Select Board shall then hear the complaint at their next regularly scheduled meeting independent of any action or the involved board as required by law.
- b. The ~~Selectmen~~ Select Board shall schedule a hearing in executive session at their next regularly scheduled meeting to determine if the complaint has merit and if so to consider the removal of the member. This hearing shall be open to the complainant and the member and shall be held in public at the request of the member. Should the member be unable to attend a scheduled hearing it shall be rescheduled to accommodate their attendance.

Miscellaneous Ordinances - Summary of Proposed Changes

February 1, 2018

To: Don Willard, Town Manager
 From: Sue Look, Town Clerk
 RE: **PROPOSED CHANGES TO MISCELLANEOUS ORDINANCES**

Following is a summary of my proposed changes to bring our Miscellaneous Ordinances document up to date. I have consulted with Town Attorney Phil Saucier and he said that the "Miscellaneous Ordinances" document is considered a collection of ordinances for presentation purposes only, not an ordinance on its own, thus any changed ordinance would need to be voted as a separate warrant article at Town Meeting. The changes which do not require a warrant article vote can simply be done (mostly formatting and adding adoption and amendment dates). The 8 highlighted ordinances I think need to be updated, while the other 5 are more for housekeeping issues found during my review.

Ordinance	Proposed Change(s)	Requires Warrant Article to Change
Rename Document	At the suggestion of the Town Attorney, rename the "Miscellaneous Ordinances" to simply "Ordinances" and list all ordinances	
For Each Ordinance	Add Adoption and Amendment Dates, clean up formatting inconsistencies	
Addressing	Remove adoption date at end of ordinance.	
Adult Business	Fee and Expiration Date had been left blank. Article 6 – I added \$100 fee Article 7 – I added December 31 st as the expiration date	Yes
Barking Dogs	Complete rewrite.	Yes
Budget Committee	Removed Table of Contents entry	
Budget and Finance Committee	The Budget and Finance Committee will be presenting an update.	
Cable Television	No change requested	

Ordinance	Proposed Change(s)	Requires Warrant Article to Change
Cemetery	Complete rewrite.	Yes
Civil Emergency Preparedness	From Bruce: The Fire Protection Ordinance and Civil preparedness ordinances officially adopt the department and position as required in law they are both statutory as well as specific to our town and needs. IE adopting the NFPA standard and this towns alarm requirements. We need to keep them all as is written.	
Comprehensive Plan	No change requested	
Elected Official Recall & Appointment	This is taken directly from MRSA 30-A and I am recommending that this be removed, and a simple statement added that the Town will follow MRSA 30-A and MRSA 21-A.	Yes
Fees and Penalties	No change requested	
Finance Committee	Removed Table of Contents entry	
Finance	New ordinance to allow 1 selectman to sign payroll warrants. It has been a policy that has to be approved each year.	Yes
Fire Protection Ordinance	From Bruce: The Fire Protection Ordinance and Civil preparedness ordinances officially adopt the department and position as required in law they are both statutory as well as specific to our town and needs. IE adopting the NFPA standard and this towns alarm requirements. We need to keep them all as is written.	
Flood Plain Management	No change requested	

Ordinance	Proposed Change(s)	Requires Warrant Article to Change
Jones Beach 1, 2, Parking	Complete rewrite and renamed to Raymond Beach Ordinance	Yes
Land Use	No change requested	
Massage Establishment	This was approved with no expiration date in Article 2 Section 12. I added December 31 st , and it was approved with the month/day missing from Article 2 Section 14. I added May 15.	Yes
Peddler's	Section VI, D – change “withing” to “within” Section VI, F – change “that” to “than” and remove an extra “by”	Yes
PACE	No change requested	
Racing Boats	Recommend it be removed after Chief Tupper showed it to a Cumberland County Deputy who said it is not enforceable and not necessary	Yes
Raymond Beach	New ordinance replacing “Jones Beach” ordinances.	Yes
Regulating Persons and Establishments Providing Services Similar to Massage Therapy	Article II, Section 11 – expiration date missing, I entered December 31 st	Yes
Restricting Vehicle Weight on Posted Ways	Remove adoption date at end of ordinance.	
School Budget	This ordinance is no longer exists since the Town of Raymond joined RSU #14	
Shoreland Zoning Provisions	No change requested	



Miscellaneous Ordinances

TOWN OF RAYMOND

**ADOPTED MARCH, 1870
WITH AMENDMENTS ADOPTED**

MARCH, 1880

OCTOBER, 1883

MAY, 1884

JANUARY, 1885

MARCH, 1886

OCTOBER, 1888

MAY 15, 1893

MAY 21, 1894

MAY 18, 1895

MAY 20, 1897

MARCH 18, 2000

MARCH 17, 2001

May 17, 2003

JUNE 7, 2011

JUNE 5, 2012

JUNE 4, 2013

JUNE 5, 2018

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.

~~Adopted the 15th day of March 1997 by an affirmative vote at a duly held Town Meeting.~~

ADULT BUSINESS ORDINANCE

May 15, 1993

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 31st.
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.

Miscellaneous Ordinances - Barking Dogs

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 conviction of any subsequent violations 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, according to the following schedule:

First Offense \$ 50.00

Second Offense 100.00

Third Offense 200.00 ~~{Amended 2/17/04}~~

~~Plus reasonable attorney costs for prosecution. {Amended 3/07}~~

Enforcement. This Ordinance shall be enforced by the Animal Control Officer and any Assistant Animal Control Officer(s) ~~Dog Constable and the other Town Constables~~ of the Town of Raymond.

BUDGET AND FINANCE COMMITTEE ORDINANCE

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 Title 30-A ss. 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 Committee recommends approval/disapproval."
- B. To discuss with and make recommendations to the Board of Selectmen 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 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 (D), 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 Board of Selectmen potential revenue raising opportunities that may require actions by the Board or Town Manager.

Section 6. Membership, Quorum, Voting

The Budget and Finance Committee shall consist of nine (9) voting members, plus the Chair of the Board of Selectmen and the Chair of the School Board who shall be NON-VOTING EXOFFICIO members. The Chair of the Budget and Finance Committee shall be elected by a majority of the Budget and Finance Committee voting members. Three (3) voting members who are residents of the Town shall be elected annually by the Town, for a term of three (3) years. Any vacancy among the voting members shall be filled by the Town at the first annual Town Meeting following the creation of that vacancy. The Budget and Finance Committee shall officially act only in the presence of a quorum of five (5) 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.

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 (3) above.

Section 8. 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 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.

~~{Amended May 10, 1996}~~

CABLE TELEVISION ORDINANCE

(Available under separate cover.)

Miscellaneous Ordinances - Cemetery

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 ~~For the mutual protection of lot owners and the cemeteries as a whole,~~ 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) remains (each in a two (2) foot by two (2) foot space)

III. CEMETERY RESPONSIBILITIES

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

- once in every ten (10) year period
- J) Review Cemetery Ordinance for potential updates/amendments at least once in every five (5) year period
- K) Sexton
- L) For new sale of plots
- M) Mark corners with temporary stakes and check that there is not already a burial in the plot that is being sold
- N) Work with vendors to ensure stones are set in the correct way
- O) Check that the corner markers are set in the correct place
- P) Be available to either dig the hole for burials or recommend a qualified grave digger
- Q) Cemetery Supervisor
- R) Data steward for all Cemetery data
- S) Build database from existing maps, spreadsheets, and conveyance documents
- T) Maintain data ongoing by selling plots via the purchased software and updating with burial information
- U) Oversee all sales of plots
- V) Coordinate with Sexton to be sure that the plot is able to be sold (not already occupied, not ledge, etc.)
- W) Record sales in database and issue conveyance to buyer
- X) Coordinate with vendor to repair and/or clean stones each year as budget monies allow
- Y) Purchase stakes as corner markers for Sexton
- Z) Work with Public Works Director to submit a budget each year
- AA) Provide stone cleaning materials for the Cemetery Committee volunteers
- BB) 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 cemeteries 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. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. 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.

34 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.

33 7. Effective Date. This Ordinance shall become effective when enacted/amended by the voters at Town Meeting.

34 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

3 1. Open Hours. The cemeteries will be open from one-half hour prior to sunrise to one-half hour after sunset 8:00 am until sunset each day, except for November 1st to April 1st when they will be open from 8:00 am to 4:30 pm, with the expanded hours for interments described in Section 24.

6 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.

~~The cemeteries will be open for interments from sunrise to sunset seven days a week.~~

VI. FEES & PURCHASING PLOTS

1. Fees. All fees are set annually by the Board of Selectmen. -4- 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.

5 2. Gratuity. No gratuity shall be accepted by any Town employee.

~~46 3. Process. Persons desiring to purchase lots should visit the cemeteries where they wish to purchase lots and make a selection with a designated person from the Town.~~

- 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. The purchase price must be paid in full at the time of purchase and receipt for purchase price will be given to the purchaser at the time. A perpetual care bond should be given or sent to the purchaser by the Town. If the Town gives deeds, this should be done within ten (10) days of the giving of the receipt. The Town will give the purchaser a Conveyance Certificate upon payment in full.

~~22~~ 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

~~20~~ 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.

~~20~~ 5. Transfer. Transfer of lots will not be recognized until the Town of Raymond receives notification and satisfactory proof of the transfer.—Transfer receipts or deeds if so given may be obtained from the Town Office.—A lost or destroyed receipt or deed will be replaced by the certificate, upon request, upon payment of \$5.00.

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

8 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.

- 40 **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.
- 41 **3. Solicitations.** Whether charitable, political or otherwise, solicitations are prohibited in any Cemetery.
- 42 **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.
- 43 **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. 7 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.
- 44 **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.
- 45 **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.
- 23 **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

- 8 **1. Control.** Motor cars and vehicles must be kept under complete control at all times.

2. Funeral Cortège. When meeting a funeral cortège, they all vehicles must stop until the procession passes. they All vehicles must not pass a funeral cortège, either stopped or in motion.

3. Speed. Maximum speed limit – 10-45 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.

6. Prohibited:

a. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted.

40 b. No snow-machines, four-wheelers or bicycles shall be allowed in a cemetery. 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.

47 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, is hereby reserved.

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.

~~The substance of this section will appear in the documents conveying cemetery 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.

~~The right to lay, maintain, and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to Granite lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto.~~

4B 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.

22 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 paragraph 24 Section XI. Perpetual Care.

24 7. Removal. The cemeteries Town shall have the right to remove all floral designs, vases, urns, decorations, wreaths, plants, flowers, weeds, trees, shrubs, plants, or herbage of any kinds 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.

26 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.

~~26 The cemeteries reserve the right to remove from lots vases or urns damaged or otherwise not cared for or not filled with plants by June 30th.~~

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.

24 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.

~~Lot owners desiring additional care of their lots may arrange for such care with the Town of Raymond who will be glad to give an estimate of the cost of the work desired. This care may be provided for any annual payments made by the lot owner or by the establishment of a Trust Fund under such agreement as may be determined between the said parties.~~

3. Management. All Perpetual Care Trust Funds held by the Town of Raymond, whether Trust or Perpetual Care will be invested by the Town of Raymond as provided by law

~~(MRSA Title 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.
- 22 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.
- 23 5. **Limits.** No interment of two (2) or more bodies shall be made in one (1) grave 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.
- 24 6. **Interment.** When an interment is to be made in a plot, the location shall be designated by the lot-owner 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.
- 25 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

~~27~~ **1. Size and Number.** The owner Grantee(s) of any one (1) plot shall have the right to erect thereon any proper stone or 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 or center rear of the plot, unless special permission is granted by the Town for placing otherwise. Only one (1) individual Marker per grave burial is allowed in any of the Cemeteries. In certain areas, however, a monument and individual headstone are permitted. 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.

~~28~~ **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. The monument shall not exceed a base size from end to end of sixty percent (60%) of the width of the lot.

~~28~~ **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 corner 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.

Miscellaneous Ordinances - Civil Preparedness

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.

Miscellaneous Ordinances - Comprehensive Plan

2004 COMPREHENSIVE PLAN

(Available under separate cover.)

Miscellaneous Ordinances - Elections

ELECTIONS

Adopted June 5, 2018

GOVERNING RULES OF MUNICIPAL ELECTIONS

- All municipal elections will be governed by Title 30-A MRSA and where silent by Title 21-A MRSA.

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:

- ~~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:~~
- ~~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.~~
- ~~Spaces for each voter's signature, actual street address and printed name; and~~
- ~~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~~

~~administrator 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 004, 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 40% 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 not withstanding 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.~~

Miscellaneous Ordinances - Fees & Penalties

FEEES AND PENALTIES

October, 1986

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.

Miscellaneous Ordinances - Finance

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.**

Miscellaneous Ordinances - Fire Protection

FIRE PROTECTION ORDINANCE

Adopted May 19, 1995

Amended June 7, 2011

Amended June 7, 2016

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

The Town of Raymond adopts the NFPA Life Safety Code 101 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 1st 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 ten thousand (10,000) square feet in floor area, structures sharing a common foundation, roof, or walls totaling 10,000 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.

**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 ten thousand (10,000) square feet in 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, or C, 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.

**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 1. 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.)

Miscellaneous Ordinances - Jones Beach

JONES BEACH 1

~~March, 1970~~ Accept the use of Jones Beach for use by the Town's people and the Raymond Recreation Swim Program providing the Town have insurance coverage. A curfew is to be as follows: The Beach will be closed from 10:00 p.m. to 6:00 a.m.

JONES BEACH 2

~~May, 1984~~

- ~~1. Raymond Residents only enforced.~~
- ~~2. A responsible adult will be hired to monitor Beach during peak hours of 10:00 a.m. to 4:00 p.m. Person will also maintain Beach.~~
- ~~3. Beach area and restrooms will be properly maintained daily.~~
 - ~~a. Rake Beach;~~
 - ~~b. Dispose of rubbish;~~
 - ~~c. ² Clean restrooms, replace supplies.~~
- ~~4. Permits to be checked. Vehicles will be towed when necessary.~~
- ~~6. No vendors allowed on Beach or in area.~~
- ~~6. Non-resident groups strictly forbidden on Beach and areas surrounding.~~
- ~~7. No dogs allowed in Beach area.~~
- ~~8. Alcoholic beverages and any other intoxicating influences strictly forbidden.~~
- ~~9. No lifeguard on duty.~~
- ~~10. No water craft on the Beach.~~
- ~~11. Closed at 10:00 p.m.~~
- ~~12. Non-residents may have use of ramp at Crescent Beach as long as vehicles and trailers are removed from Beach area.~~

~~²Not available at Crescent Beach.~~

JONES BEACH PARKING

~~May, 1984~~ Restrict parking within ten feet (10') of tarred roadway and declare an area two hundred feet (200') on both sides of Route 302 from the Jones Beach (to include the Jones Beach area) area which is to be closed to parking and no parking signs shall be posted accordingly.

Miscellaneous Ordinances - Land Use

LAND USE ORDINANCE

(Available under separate cover.)

MESSAGE ESTABLISHMENT ORDINANCE

Adopted May 15, 1993

**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 massage 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.

- a. **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 31st.

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.

Miscellaneous Ordinances - Peddler's

PEDDLER'S ORDINANCE

Adopted May 21, 1994

Amended June 4, 2013

Amended June 5, 2018

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 Title 30-A, Section 2004.

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" 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 therefor;
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 peddler's 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 150 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 annually on May 1st, or the first business day thereafter. Applications shall be submitted no later ~~that~~ than April 1st. If there are more than two qualified applicants, licenses shall be selected by ~~by~~ staff through a lottery, prior to recommending license approvals to the Board of Selectmen.

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.

Miscellaneous Ordinances - PACE

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.

Miscellaneous Ordinances - Racing Boats

RACING BOATS

~~Prohibit, within the Town boundaries the use of outboard racing motors; also outboard motors on which exhaust manifolds have been altered from the manufacturers basic design; also inboard motors not exhausted through water muffled tubes to reduce exhaust noise.~~

Miscellaneous Ordinances - Raymond Beach

Raymond Beach Ordinance

Adopted March 14, 1970

Amended May 19, 1984

Replaced 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.**

Miscellaneous Ordinances - Similar to Massage Therapy

REGULATING PERSONS AND ESTABLISHMENTS PROVIDING SERVICES SIMILAR TO MASSAGE THERAPY

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. §143D1(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-Masser – 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-masser shall administer a para-massage to a patron whose genitals are exposed.
- B. No para-masser shall administer or agree to administer a para-massage to the genitals or anus of a patron.
- C. No para-masser 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-masser or person who possesses a combination para-massage establishment/para-masser 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 31st.

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.

Miscellaneous Ordinances - Posting Roads

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 238B.

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.

~~Adopted by a voted Board of Selectmen on May 20, 1997 after a duly called and posted Public Hearing in accordance with M.R.S.A. 30-A section 2009.~~

Miscellaneous Ordinances - School Budget

SCHOOL BUDGET ORDINANCE

October, 1983

~~Note: This Ordinance shall go into effect on July 1, 1984 at which time the Raymond School Budget Adoption Procedure Ordinance, enacted on March 18, 1977 shall be repealed in its entirety. (Available under separate cover.)~~

SHORELAND ZONING PROVISIONS

(Available under separate cover.)

Miscellaneous Ordinances - Special Amusement

SPECIAL AMUSEMENT ORDINANCE

May 15, 1993

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 2-4 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 hours 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 2-6 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 2-7 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 und clothed 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.

Miscellaneous Ordinances - Street

STREET ORDINANCE

(Available under separate cover.)

Miscellaneous Ordinances - Subdivision

SUBDIVISION ORDINANCE

(Available under separate cover.)

Miscellaneous Ordinances - Subsurface Waste

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 §§3001,342B, 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.

Miscellaneous Ordinances - Town Boards & Committees

TOWN BODIES, BOARDS, COMMITTEE, & COMMISSIONS MEMBERSHIP

Adopted March 1980
Amended March 1982
Amended June 5, 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 School Board RSU #14 Board of Directors or the Budget and Finance Committee, ~~and no~~ No person holding one such elective office shall be a voting or associate member of the Zoning Board of Appeals, or the Planning Board ~~or the Finance Committee~~ 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. ^{***}

~~*** – Added by vote of Town Meeting March 1982.~~

Membership on Multiple Appointed Bodies. No person shall be a voting or associate member of more than one of the following Town bodies: the Zoning Board of Appeals, or the Planning Board ~~or the Finance Committee~~, but a member of any such body may be a member of any other appointed body of the Town.

Conflict of Interest. No member of any board, committee, or other such body of the Town shall vote upon any matter in which he has a personal interest or other conflict of interest.

Miscellaneous Ordinances - Town Manager

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.

Miscellaneous Ordinances - Traffic

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 rear 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 (½) 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.

Miscellaneous Ordinances - Wireless Communication

WIRELESS COMMUNICATION

(Available under separate cover.)