

GENERAL CODE

INSTRUCTIONS

Town of Raymond Code Supplement No. 2

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

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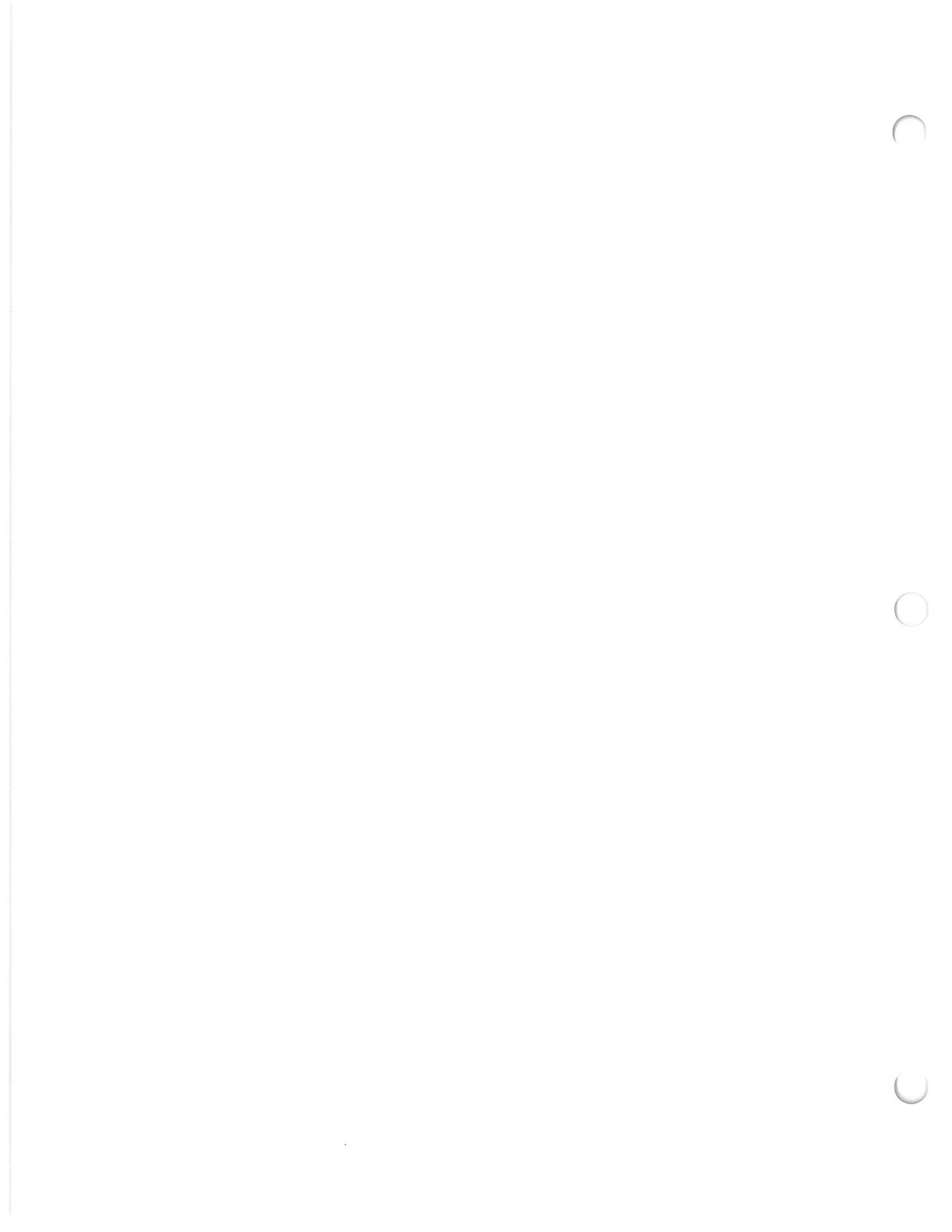


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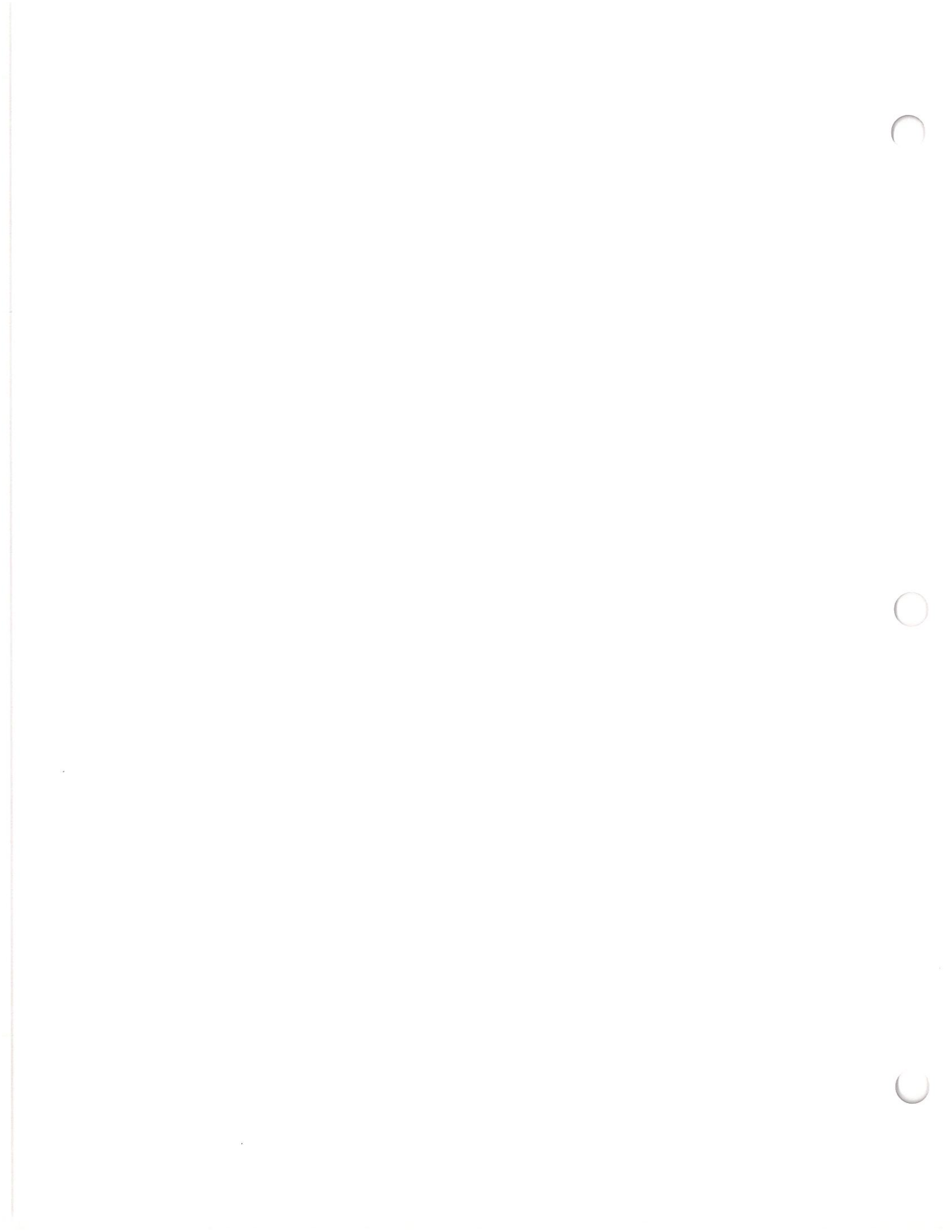
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Chapter 60

BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Town Meeting of the Town of Raymond 6-11-2024 ATM Art. 28. Amendments noted where applicable.]

§ 60-1. Purpose.

- A. The Town of Raymond adopts and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by Title 10 M.R.S.A. § 9724 and the appendix to the Maine Uniform Building and Energy Code. The Code Enforcement Officer of the Town of Raymond shall serve as the Building Official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with the following components of the M.U.B.E.C and the appendix to M.U.B.E.C. as such components may be revised from time to time by the Technical Building Codes and Standards Board:
- (1) The International Residential Code (IRC).
 - (2) The International Building Code (IBC).
 - (3) The International Existing Building Code (IEBC).
 - (4) The International Energy Conservation Code (IECC).
 - (5) The International Mechanical Code (IMC).
 - (6) The American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE) 62.1-2016 (Ventilation for Acceptable Indoor Air Quality), 62.2-2016 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) and 90.1-2016 (Energy Standard for Buildings except Low-Rise Residential Buildings), editions without addenda.
 - (7) The American Society for Testing and Materials (ASTM), E-1465-2008, Standard Practice for Radon Control Options for Design and Construction of New Low-Rise Residential Buildings.

§ 60-2. Codes adopted.

- A. Codes adopted in conjunction with the Building Code Standards:
- (1) State of Maine International Plumbing Rules based on the 2021 Uniform Plumbing Code.
 - (2) State of Maine Subsurface Wastewater Disposal Rule, last amended version.
 - (3) 2021 NFPA 70 (National Electric Code).

§ 60-3. Climatic and geographic design criteria.

- A. Ground snow load: 70 PSF.
- B. Wind speed: 115.
- C. Seismic category: C.
- D. Weathering: Severe.
- E. Frost line depth: 48 inches.
- F. Termite: None to slight.
- G. Decay: None to slight.
- H. Winter design temperature: 40° F.
- I. Flood hazards: 1981.

§ 60-4. Permits.

- A. Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit where required by municipal ordinance.
- B. The application shall be made on a form provided by the Code Enforcement Officer, and the applicant shall present their license to the Code Enforcement Officer when the application and fee are tendered.
- C. Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Structures exempt from permits shall be located in compliance with zoning and floodplain regulations.
 - (1) Fences six feet or less in height.

- (2) Cosmetic work such as painting, papering, tiling, carpeting, cabinets, siding, roofing, countertops, and similar finish work.
- D. Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, metering, or other related equipment that is under the ownership and control of public service agencies by established right.

§ 60-5. Violations and penalties.

Any person who violates a provision of this chapter or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the chapter, shall be subject to penalties in accordance with 30-A M.R.S.A. § 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ 60-6. Unlawful continuance.

Any person who continues any work in or about a structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, commits a civil violation and shall be subject to fines and penalties as provided in Title 30-A M.R.S.A. § 4452.

§ 60-7. Plumbing.

The Plumbing Inspector shall issue plumbing permits, inspect all plumbing work as required by law, and perform such other duties as are required by 30-A M.R.S.A. § 4221 subsection 3.

§ 60-8. Electrical installations.

- A. All new design, construction, and installation of electrical conductors, equipment, and systems, and all alterations to existing wiring systems within the Town of Raymond shall comply with the 2020 edition of the National Electrical Code as amended by the State of Maine Electrician Examining Board, and as published by the National Fire Protection Association (the "Code"). One copy of the Code will be kept on file in the office of the Town Clerk available for public use, inspection, and examination during normal working hours. The provisions of the Code shall govern all electrical work within the Town of Raymond, except that the administrative provisions of this chapter shall control in the event of conflict with the Code. The Code is adopted by reference pursuant to Title 30-A M.R.S.A. § 3003.
- B. In accordance with Title 32 M.R.S.A. § 1102-D, a person may make an electrical installation in a newly constructed single-family dwelling that is occupied by that person and used solely as a single-family dwelling or will be occupied by that person as the person's bona fide personal abode and used solely as a single-family home, as long as the electrical installations conform to the Code and as long as the person obtains a permit from the Code Enforcement Officer and pays the permit fee established by the Selectboard.

- C. Electrical Inspector. Inspections under this chapter shall be performed by an Electrical Inspector, appointed pursuant to Title 30-A M.R.S.A. § 4171 by the Town Manager and serving as an assistant to the Code Enforcement Officer. Upon inspection, the Electrical Inspector shall either approve the work in writing or disapprove the work in writing with all violations of the Code noted. The Electrical Inspector shall post the results of his inspection on the job site and submit copies to the Code Enforcement Officer within 24 hours after completing the inspection. Where the work is disapproved, the Electrical Inspector shall advise the applicant that the work can be reinspected upon completion in accordance with the Code and upon the payment of a reinspection fee in accordance with the fee schedule established by the Selectboard.
- D. No person shall connect electrical service to or cause electrical service to be connected to any building, structure, or property on which electrical work governed by the Code has been performed until the permit required by this chapter has been obtained, the Electrical Inspector has inspected the work, and the Electrical Inspector has approved the work under the provision of this chapter. The Electrical Inspector shall have the authority, whenever in his/her opinion public safety requires it, to direct any person using or operating any wires to shut off the electric current for such time as he/she may deem necessary. The Electrical Inspector shall have authority in case of any emergency to have the current shut off in such wires that he/she knows or believes to be dangerous to life or property.

§ 60-9. Fire codes.

For adopted fire codes see the Town of Raymond Fire Protection Ordinance.¹

§ 60-10. Inspection required.

No person shall install insulation over or otherwise cover any work for which this chapter requires a permit until the Code Enforcement Officer/Building Inspector and Electrical Inspector have inspected and approved the work.

§ 60-11. Appeals.

Appeals from any decision, order, or interpretation of the Code Enforcement Officer, Building Inspector, or Electrical Inspector under this chapter may be taken to the Board of Appeals as an administrative appeal pursuant to the provisions of the Land Use Ordinance for the Town of Raymond, Maine.

§ 60-12. Fees.

Upon application for a permit required by this chapter, the applicant shall pay a permit fee in accordance with the fee schedule established by the Selectboard.

1. Editor's Note: See Ch. 100.

Chapter 65
BUSINESS LICENSES

§ 65-1. Purpose.

§ 65-2. License required.

§ 65-3. Application.

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§ 65-6. Inspections.

§ 65-7. Suspension or revocation.

§ 65-8. Violation and penalties.

§ 65-9. Enforcement.

[HISTORY: Adopted by the Town Meeting of the Town of Raymond 7-14-2020, revised 6-11-2024 ATM Art. 34. Subsequent amendments noted where applicable.]

§ 65-1. Purpose.

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

§ 65-2. License required.

- A. The Select Board (hereinafter "the Board") is authorized to grant, grant subject to conditions, or deny licenses for any business in accordance with the terms of this chapter.
- B. A license does not expire and is valid until otherwise suspended or revoked by the Board.
- C. No person shall operate or conduct any business, except for home occupations, without first obtaining a license therefore, nor shall any person operate or conduct any business except in compliance with the terms of this chapter and any conditions imposed upon the license issued.
- D. Licenses issued under this chapter are not transferable to a new owner. A transfer in ownership of the business shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

§ 65-3. Application.

- A. Any person who owns, operates or conducts any business in the Town shall make an application for a license to conduct such business by submitting the following to the Town Clerk:

- (1) A description of the business which the applicant proposes to operate or conduct and the location at which the licensed activity or business will occur.
 - (2) A statement that the applicant has secured or is in the processing of securing all state or local permits required for the licensed business, provided that any license issued by the Board prior to the receipt of such other permits shall not authorize the operation of the business until all such other permits are obtained.
 - (3) A statement that the business and the premises are in compliance with all local ordinances other than this chapter.
 - (4) Evidence of satisfactory resolution of any public health, safety or welfare problems occurring in the operation of that or a similar business at the same location in the immediately preceding year, including but not limited to neighborhood complaints, disorderly customers, and excessively loud or unnecessary noise that initiate complaints to or require a response from the sheriff's department, fire department or other municipal regulatory body or employee.
 - (5) A nonrefundable application processing fee as specified in the Town Fee Schedule.
- B. The Board may require further documentation of any of the information provided in the license application whenever the Board determines that such documentation is needed to process the application.

§ 65-4. Denial; imposition of conditions for issuance.

- A. Failure to provide any of the information required by § 65-3 to the Town Clerk in a timely manner shall be cause for a denial of a license application.
- B. The Board shall consider information provided by the applicant, the Code Enforcement Officer, the Town Manager, the Sheriff's Department, the Fire Chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The Board may deny a license application if it finds that:
- (1) The applicant does not have the legal right to occupy the premises for which the license is sought;
 - (2) Required state or local permits have not been obtained or applied for;
 - (3) The business or the premises are not in compliance with other local ordinances;
 - (4) Any public health, safety or welfare problems which occurred in the operation of the business or a similar business on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;
 - (5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business subject to this chapter, an act or omission which constitutes a violation of this chapter;

- (6) The applicant is delinquent in paying any personal or real property tax assessed by the Town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment;
 - (7) The licensed location has had three or more documented and relevant disturbances as verified by the sheriff's department within the previous licensing period, which documentation shall be provided to the Town Clerk by the Sheriff's Department;
 - (8) The applicant owes any fine, penalty or judgment to the Town as a result of any violation of this chapter and the fine, penalty or judgment, with any accrued interest, has not been paid in full; or
 - (9) The applicant owes any amount to the Town for services rendered by the Town or by Town employees to the applicant or the applicant's property, is in default on any performance guarantee or contractual obligation to the Town or is otherwise delinquent in any financial obligation to the Town.
- C. The Board may also impose conditions on the operation of any licensed business, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.
- D. When the Board denies a license, written notice of the decision shall be provided to the applicant within 10 days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and any such conditions shall be noted on the license records maintained by the Town Clerk.

§ 65-5. Effective date; payment of full fee required.

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

§ 65-6. Inspections.

- A. A licensee, as a condition of receipt of a license under this chapter, must also allow any Town official who is authorized to determine compliance with federal, state or Town law or ordinance and who presents valid identification to enter at any reasonable time any portion of the licensed premises which the licensee has the right to enter or occupy.
- B. A licensee must pass a fire and safety inspection and be in compliance with all applicable building codes.
- C. Failure to allow entry required by this section shall constitute a violation of this chapter and shall constitute cause for suspension or revocation of this license.

§ 65-7. Suspension or revocation.

- A. The Board, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this chapter. The term "cause" shall mean the violation of any license condition, any section of this chapter, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this chapter. The term "cause" shall also include any of the grounds for denying a license application under § 65-4. Licenses may be temporarily suspended by the Board, without prior notice and hearing if, in the judgment of the Code Enforcement Officer, the Town Manager, or the Board, the continued operation of the licensed business constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefore, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

§ 65-8. Violation and penalties.

- A. Any person who operates or conducts any business for which a license is required under this chapter without first obtaining such license commits a civil violation and shall be subject to a fine not to exceed \$100 for the first day the offense occurs. The second day the offense occurs, the fine amount shall not exceed \$250. The third day and subsequent days thereafter, the fine amount shall not exceed \$500. Each day such violation continues shall be considered a separate violation.
- B. All fines shall be recovered upon complaint for use by the Town and shall be placed in the Town treasury.

§ 65-9. Enforcement.

The Code Enforcement Officer shall investigate any alleged violation of this chapter. Upon verification of the alleged violation, the Board may initiate any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, attorney fees, and costs, that may be appropriate and necessary to enforce the provisions of this chapter in the name of the Town.

Chapter 100
FIRE PROTECTION

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- § 100-1. Title.
- § 100-2. Purpose.
- § 100-3. Department defined.
- § 100-4. Firefighter defined.
- § 100-5. Rescue member defined.

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- § 100-6. Department established.
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[HISTORY: Adopted by the Town Meeting of the Town of Raymond 5-19-1995, as amended 6-7-2011, 6-7-2016, 6-8-2021, and 6-11-2024 ATM by Art. 36. Subsequent amendments noted where applicable.]

ARTICLE I
Establishment

§ 100-1. Title.

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

§ 100-2. Purpose.

The purpose of the chapter 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.

§ 100-3. Department defined.

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

§ 100-4. Firefighter defined.

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

§ 100-5. Rescue member defined.

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

Fire/Rescue Department**§ 100-6. Department established.**

There shall be a Municipal Fire/Rescue Department that is established by this chapter.

§ 100-7. Duties.

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.

§ 100-8. Department head.

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

Fire/Rescue Department Members**§ 100-9. Privileges.**

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

ARTICLE IV

NFPA Life Safety Code 101 and NFPA Fire Code (NFPA 1)**§ 100-10. Codes adopted.**

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

ARTICLE V

Alarm System Requirements**§ 100-11. System required.**

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

- A. Proof of yearly alarm system testing must be forwarded to: The Raymond Fire Department, Attn: Chief's Office, 1443 Roosevelt Trail, Raymond, Maine 04071 by January 1 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

Dumpsters; Fuel Burning Devices; Chimneys**§ 100-12. Dumpsters.**

- A. 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.
- B. 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.

§ 100-13. Solid fuel burning stove permit.

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. 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.

§ 100-14. Chimney ordinance.

- A. It is required that chimneys for solid fuel burning appliances be of a fire-resistant masonry material, except as provided in Subsection B 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

Sprinkler System Definitions and Requirements

§ 100-15. Automatic sprinkler system defined.

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

§ 100-16. Fire Department connection.

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.

§ 100-17. Requirements.

All sprinkler systems installed under this chapter 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.

§ 100-18. Maintenance.

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

§ 100-19. Building defined.

For the purpose of this chapter, 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.

§ 100-20. Sprinkler wiring.

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.

§ 100-21. Lock box.

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.

§ 100-22. Permit required.

- A. 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.
- B. 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.

§ 100-23. Yearly testing.

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****§ 100-24. Installation.**

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

- A. Three or more stories in height;
- B. Thirty-five or more feet in height, 100,000 cubic feet in volume or 5,000 square feet with alternatives or modifications permitted as noted in § 100-25 below;
- C. Multiple family or multiple occupant dwelling and/or all lodging units of two stories in height.
- D. Any single-family dwelling attached units - such as town houses, garden apartments, with three or more units attached together and/or any grouping of three unit style buildings.
- E. Any building required to have sprinklers, larger than one dwelling unit, shall have sprinkler coverage in the truss loft.
- F. Any new or renovated residential building consisting of one- and two-family buildings or structures of 5,000 square feet or more in total/gross floor area shall install an approved automatic fire sprinkler system throughout. The total/gross square foot area calculation for one- and two-family dwelling sprinkler installations, shall exclude uncovered attached decks, and exclude attached garages, provided that the dwelling(s)

and attached garage(s) are separated by a UL listed, two-hour fire-rated, separation wall(s) and components with UL listed joints, openings or penetration protection.

- G. Any living areas included within the garage shall be included in the total/gross square foot area calculations.

§ 100-25. Alternatives for installation of fire sprinklers in buildings and structures:

- A. An engineered on-site fire protection water supply is provided that meets or exceeds the requirements of NFPA 1; Chapter 18, and/or NFPA 1142, for non-hydrant areas, for fire flow and total water supply. These systems shall be designed and stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.
- B. An engineered compartmentalization of buildings or structures with a minimum of UL listed, two-hour fire-rated separation wall(s) and components, with no openings or penetrations; and provides an engineered on-site fire protection water supply that meets or exceeds the requirements of NFPA 1; Chapter 18, and/or NFPA 1142, for non-hydrant areas, for fire flows and total water supply required to protect the largest two-hour rated compartment in the building/structure. These systems shall be designed and stamped by a State of Maine registered engineer, with plans and construction approved by the Fire Chief or his/her designee.
- C. The Raymond Fire Rescue Department may approve alternative methods and means of fire suppression when requested by a property owner, provided that the Raymond Fire Rescue Department finds that the requested alternative method and means meets the intent of this section, and serves to preserve and promote life, health, and safety.
- D. For commercial buildings proposed in the Rural Residential Zones, such as minor repair facilities and low hazard storage structures, of Type I/Type II construction, with engineered compartmentalized fire areas equal to or less than 5,000 square feet. The compartmentalized fire are walls shall be minimum of two-hour, UL listed, fire-rated separation wall(s) and components, with no openings or penetrations; and shall provide an engineered/certified fire protection water supply with a capacity that meets or exceeds the requirements of NFPA 1142, for fire flows and total water supply to protect the largest two-hour rated compartment in the building/structure. The fire protection water supply shall be certified for a usable water capacity based upon a 100-year drought, is located within 3/4-mile of the proposed facility and shall be accessible year-round.

§ 100-26. Square footage.

For purposes of this article, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements, and additions, in the aggregate, measured from the outside walls. For the gross square footage calculations for One- and Two-Family Dwellings, refer to § 100-24F.

§ 100-27. Standard in use.

For the purposes of this article, NFPA 1142: Standard on Water Supplies for Suburban and Rural Firefighting is used.

ARTICLE IX
Building Additions

§ 100-28. Sprinkler systems; cumulative area.

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 100,000 cubic feet in volume or 4,800 square feet in gross area.

§ 100-29. Sprinkler systems; proposed additions.

In those instances where a proposed addition or additions will exceed 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, § 100-24A, B, C, D, or F is equal to or greater than 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.

§ 100-30. Sprinkler systems; buildings 4,800 square feet or more.

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

§ 100-31. Sprinkler systems; residential one- and two-family.

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

§ 100-32. Partial sprinkler systems.

A. For the purposes of §§ 100-30 and 100-31 of this article, the Raymond Fire Rescue Department may consider the installation of a partial fire sprinkler system with the following conditions;

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

§ 100-33. Measurement of square footage.

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

ARTICLE X

Existing Commercial/Industrial Buildings**§ 100-34. Installation after change of use.**

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**§ 100-35. Authority to inspect.**

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

§ 100-36. Compliance required.

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

ARTICLE XII
Violations and Legal Action

§ 100-37. Violations; enforcement.

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 chapter in the name of the Town.

ARTICLE XIII
Fines

§ 100-38. Violations; fines.

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 chapter, shall be guilty of a civil offense and shall be fined not less than \$25 nor more than \$100 for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

ARTICLE XIV
Effective Date

§ 100-39. When effective.

This chapter 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.]

ARTICLE XV
Appeals

§ 100-40. Appeals.

Any decision made by the Fire Department in the administration of this chapter may be appealed to the Board of Appeals for a de novo review.



Chapter 120

FLOODPLAIN MANAGEMENT

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| § 120-1. Purpose and establishment. | § 120-8. Review of subdivision and development proposals. |
| § 120-2. Permit required. | § 120-9. Appeals and variances. |
| § 120-3. Application for permit. | § 120-10. Enforcement and penalties. |
| § 120-4. Application fee and expert's fee. | § 120-11. Validity and severability. |
| § 120-5. Review standards for flood hazard development permit applications. | § 120-12. Conflict with other ordinances. |
| § 120-6. Development standards. | § 120-13. Definitions. |
| § 120-7. Certificate of compliance. | § 120-14. Abrogation. |
| | § 120-15. Disclaimer of liability. |

[HISTORY: Adopted by the Town Meeting of the Town of Raymond 6-11-2024 ATM by Art. 33.¹ Amendments noted where applicable.]

§ 120-1. Purpose and establishment.

- A. Certain areas of the Town of Raymond, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.
- B. Therefore, the Town of Raymond, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.
- C. It is the intent of the Town of Raymond, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.
- D. The Town of Raymond has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.
- E. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Raymond having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This chapter establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the Town of Raymond, Maine.

1. Editor's Note: This article also repealed the former Building Code of the Town of Raymond for Flood Damage Prevention Requirements, which was adopted 3-31-1981, as amended through 3-15-1997.

- F. The areas of special flood hazard, Zones A and AE, for the Town of Raymond, Cumberland County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Cumberland County, Maine," dated June 20, 2024, with accompanying "Flood Insurance Rate Map" dated June 20, 2024, as amended, are hereby adopted by reference and declared to be a part of this chapter.

§ 120-2. Permit required.

- A. The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.
- B. Before any construction or other development (as defined in § 120-13), including the placement of manufactured homes, begins within any areas of special flood hazard established in § 120-1, a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Raymond, Maine.

§ 120-3. Application for permit.

The application for a flood hazard development permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Subsections H through K(2) apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
- (1) Base flood at the proposed site of all new or substantially improved structures, which is determined:
- (a) In Zones AE, from data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in § 120-1; or,

(b) In Zone A:

- [1] From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to §§ 120-6M and 120-8D; or
 - [2] In the absence of all data described in § 120-3H(1)(b)[1], information to demonstrate that the structure shall meet the elevation requirement in § 120-6H(2)(b), I(2)(a) or (b), or J(2)(b).
- (2) Highest and lowest grades at the site adjacent to the walls of the proposed building;
 - (3) Lowest floor, including basement; and whether or not such structures contain a basement;
 - (4) Lowest machinery and equipment servicing the building; and
 - (5) Level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in § 120-6;
- J. A written certification by:
- (1) A professional land surveyor that the grade elevations shown on the application are accurate; and
 - (2) A professional land surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.
- K. The following certifications as required in § 120-6 by a registered professional engineer or architect:
- (1) A floodproofing certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of § 120-6I; and other applicable standards in § 120-6;
 - (2) A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of § 120-6N(2)(a);
 - (3) A certified statement that bridges will meet the standards of § 120-6O;
 - (4) A certified statement that containment walls will meet the standards of § 120-6P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and
- M. A statement of construction plans describing in detail how each applicable development standard in § 120-6 will be met.

§ 120-4. Application fee and expert's fee.

- A. A non-refundable application fee as established in the Town fee schedule shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.
- B. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

§ 120-5. Review standards for flood hazard development permit applications.

The Code Enforcement Officer shall:

- A. Review all applications for the flood hazard development permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of § 120-6 (Development Standards) have been, or will be met;
- B. Utilize, in the review of all flood hazard development permit applications:
 - (1) The base flood and floodway data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in § 120-1;
 - (2) In special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to §§ 120-3H(1)(b)[1]; 120-6M; and 120-8D, in order to administer § 120-6 of this chapter; and
 - (3) When the community establishes a base flood elevation in a Zone A by methods outlined in § 120-3H(1)(b)[1], the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in § 120-1 of this chapter;
- D. In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

- F. If the application satisfies the requirements of this chapter, approve the issuance of one of the following flood hazard development permits based on the type of development:
- (1) A two part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" elevation certificate completed by a professional land surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of § 120-6H, I, or J. Following review of the elevation certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; or,
 - (2) A flood hazard development permit for floodproofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of § 120-6I(1). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or,
 - (3) A flood hazard development permit for minor development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in § 120-6L, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
- G. Maintain, as a permanent record, copies of all flood hazard development permit applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of § 120-9 of this chapter, and copies of elevation certificates, floodproofing certificates, certificates of compliance, and certifications of design standards required under the provisions of §§ 120-3, 120-6, and 120-7 of this chapter.

§ 120-6. Development standards.

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. All development. All development shall:
- (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Use construction materials that are resistant to flood damage;

- (3) Use construction methods and practices that will minimize flood damage; and
 - (4) Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On site waste disposal systems. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Utilities. New construction or substantial improvement of any structure (including manufactured homes) located within Zones A and AE, shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.
- G. Physical changes to the natural landscape. Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.
 - (1) All development projects in Zone AE that cause physical changes to the natural landscape shall be reviewed by a professional engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
 - (2)
 - (a) If the professional engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
 - (b) If the professional engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
 - (3) If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

- (4) If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than six months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.
- H. Residential. New construction or substantial improvement of any residential structure located within:
- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - (2) Zone A shall have the lowest floor (including basement) elevated:
 - (a) To at least one foot above the base flood elevation utilizing information obtained pursuant to § 120-3H(1)(b)[1]; 120-5B; or 120-8D; or
 - (b) In the absence of all data described in § 120-6H(2)(a), to at least two feet above the highest adjacent grade to the structure.
- I. Non-residential. New construction or substantial improvement of any non-residential structure located within:
- (1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - (a) Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 120-3K and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 - (2) Zone A shall have the lowest floor (including basement) elevated:
 - (a) To at least one foot above the base flood elevation utilizing information obtained pursuant to § 120-3H(1)(b)[1]; 120-5B; 120-8D; or
 - (b) In the absence of all data described in § 120-6I(2)(a), to at least two feet above the highest adjacent grade to the structure; or
 - (c) Together with attendant utility and sanitary facilities meet the floodproofing standards of § 120-6I(1)(a), (b), and (c).
- J. Manufactured homes. New or substantially improved manufactured homes located within:

(1) Zone AE shall:

- (a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- (b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and
- (c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - [1] Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by
 - [2] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - [3] All components of the anchoring system described in § 120-6J(1)(c)[1] and [2] shall be capable of carrying a force of 4,800 pounds.

(2) Zone A shall:

- (a) Be elevated on a permanent foundation, as described in § 120-6J(1)(b), such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to § 120-3H(1)(b)[1]; 120-5B; 120-8D; or
- (b) In the absence of all data as described in § 120-6J(2)(a), to at least two feet above the highest adjacent grade to the structure; and
- (c) Meet the anchoring requirements of § 120-6J(1)(c).

K. Recreational vehicles. Recreational vehicles located within:

(1) Zones A and AE, shall either:

- (a) Be on the site for fewer than 180 consecutive days; and,
- (b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (c) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in § 120-6J(1).

L. Accessory structures. New construction or substantial improvement of Accessory Structures, as defined in § 120-13, shall be exempt from the elevation criteria required in § 120-6H and I above, if all other requirements of § 120-6 and all the following requirements are met.

- (1) Accessory structures located in Zones A and AE, shall:
 - (a) Meet the requirements of § 120-6A(1) through (4), as applicable;
 - (b) Be limited in size to a one-story two car garage;
 - (c) Have unfinished interiors and not be used for human habitation;
 - (d) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.
 - (e) Be located outside the floodway;
 - (f) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and
 - (g) Have hydraulic openings, as specified in § 120-6N(2), in at least two different walls of the accessory structure.

M. Floodways.

- (1) In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) In Zones A and AE, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in § 120-6M(3) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - (a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
 - (b) Is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
- (3) In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of 1/2 the width of

the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

- N. Hydraulic openings/flood vents. New construction or substantial improvement of any structure in Zones A and AE, that meets the development standards of § 120-6, including the elevation requirements of § 120-6H, I, or J and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
- (1) Enclosed areas are not "basements" as defined in § 120-13;
 - (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - (a) Be engineered and certified by a registered professional engineer or architect; or
 - (b) Meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - [2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and
 - [3] Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 - (3) The enclosed area shall not be used for human habitation; and
 - (4) The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- O. Bridges. New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:
- (1) When possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and
 - (2) A registered professional engineer shall certify that:
 - (a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 120-6M; and
 - (b) The foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

- P. Containment walls. New construction or substantial improvement of any containment wall located within:
- (1) Zones A and AE shall:
 - (a) Have the containment wall elevated to at least one foot above the base flood elevation;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 120-3K.
- Q. Wharves, piers, and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water, and shall comply with all applicable local, state, and federal regulations.

§ 120-7. Certificate of compliance.

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For new construction or substantial improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an elevation certificate completed by a professional land surveyor for compliance with § 120-6H, I, or J.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this chapter.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - (1) Review the elevation certificate and the applicant's written notification; and,
 - (2) Upon determination that the development conforms with the provisions of this chapter, shall issue a certificate of compliance.

§ 120-8. Review of subdivision and development proposals.

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with § 120-6 of this chapter. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

§ 120-9. Appeals and variances.

The Board of Appeals of the Town of Raymond may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this chapter. The Board of Appeals may grant a variance from the requirements of this chapter consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - (1) A showing of good and sufficient cause; and
 - (2) A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and
 - (3) A showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and
 - (4) A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:
 - (a) That the land in question cannot yield a reasonable return unless a variance is granted; and
 - (b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

- (c) That the granting of a variance will not alter the essential character of the locality; and
 - (d) That the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - (1) The criteria of § 120-9A through C and § 120-6M are met; and,
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - (1) The development meets the criteria of § 120-9A through C; and
 - (2) The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of agricultural structures being used for the conduct of agricultural uses provided that:
 - (1) The development meets the criteria of § 120-9A through C; and
 - (2) The development meets the criteria of § 120-6M and N.
- G. Any applicant who meets the criteria of § 120-9A through C and § 120-9D, E, or F shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - (1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property; and
 - (3) The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal procedure for administrative and variance appeals.

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
- (2) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
- (3) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
- (4) The person filing the appeal shall have the burden of proof.
- (5) The Board of Appeals shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.
- (6) The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.
- (7) Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.

§ 120-10. Enforcement and penalties.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this chapter.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 - (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 - (2) A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 - (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 - (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
 - (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

§ 120-11. Validity and severability.

If any section or provision of this chapter is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter.

§ 120-12. Conflict with other ordinances.

This chapter shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this chapter imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this chapter shall control.

§ 120-13. Definitions.

Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

100-YEAR FLOOD — See "base flood."

ACCESSORY STRUCTURE — A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

ADJACENT GRADE — The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AGRICULTURAL STRUCTURE — Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain having a 1% or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in § 120-1 of this chapter.

BASE FLOOD — A flood having a 1% chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — See "structure."

CERTIFICATE OF COMPLIANCE — A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this chapter.

CODE ENFORCEMENT OFFICER — A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

CONTAINMENT WALL — A wall surrounding all sides of an above ground tank to contain any spills or leaks.

DEVELOPMENT — Any man made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

ELEVATED BUILDING — A non-basement building that is:

- A. Built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and
- B. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in § 120-6N.

ELEVATION CERTIFICATE — An official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

FLOOD ELEVATION STUDY — An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and

unforeseeable event which results in flooding as defined in Subsection A(1) of this definition.

FLOODPLAIN MANAGEMENT — The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see "flood or flooding").

FLOODPROOFING — Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

FLOODWAY — See "regulatory floodway."

FLOODWAY ENCROACHMENT LINES — The lines marking the limits of floodways on federal, state, and local floodplain maps.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

LOCALLY ESTABLISHED DATUM — For purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in § 120-6N of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MINOR DEVELOPMENT — All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in § 120-6L, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and has been called "1929 Mean Sea Level (MSL)."

NEW CONSTRUCTION — Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NORTH AMERICAN VERTICAL DATUM (NAVD) — The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was

established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection, not including slideouts;
- C. Designed to be self-propelled or permanently towable by a motor vehicle; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY

- A. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height; and
- B. When not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of 1/2 the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

RIVERINE — Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA — See "Area of Special Flood Hazard."

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

VARIANCE — A grant of a relief by a community from the terms of a floodplain management regulation.

VIOLATION — The failure of a structure or development to comply with a community's floodplain management regulations.

§ 120-14. Abrogation.

This chapter repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

§ 120-15. Disclaimer of liability.

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

- B. Regardless of the existence of purported copies of the Land Use Regulation Map which may from time to time be made or published, the Land Use Regulation Map which shall be located in the office of the Town Clerk shall be the final authority as to the current Land Use Regulation status of land and water areas, buildings and other structures in the Town.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Land Use Regulation Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of street, highways or alleys shall be construed to follow such center lines;
 - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - (3) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
 - (4) Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Regulation Map, or in other circumstances not covered by Subsection C(1) through (3) above, the Board of Appeals shall interpret the district boundaries;
 - (5) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Appeals shall permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;
 - (6) Shoreland District boundaries that do not follow street lines, platted lot lines or shore lines shall be construed as following a line measuring 600 feet back from the mean high water mark of the waterfront to which they pertain.
- D. In the event that the Land Use Regulation Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may by resolution adopt a new Land Use Regulation Map, which shall supersede the prior Land Use Regulation Map. The new Land Use Regulation Map may correct drafting or other errors or omissions in the prior Land Use Regulation Map. The new Land Use Regulation Map shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: "This is to certify that this Land Use Regulation Map adopted _____ supersedes and replaces the Land Use Regulation Map adopted (date of adoption of map being replaced) as part of the Land Use Ordinance of the Town of Raymond, Maine." The superseded Land Use Regulation Map shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 3

Conformance with Ordinance**§ 300-3.1. Applicability.**

The terms and requirements contained in this Land Use Ordinance, and in any amendment thereto, shall be applicable to the use of any building, structure or land, or any part thereof, and to the location, construction, erection, reconstruction or structural alteration of any building or structure, within the Town of Raymond after the effective date of this chapter, being March 13, 1971, or of any amendment thereto, provided that nonconforming uses and certain small lots shall be grandfathered in accordance with the following provisions.

§ 300-3.2. Continuation of nonconforming uses. [Amended 5-19-1990; 6-11-2024 ATM by Art. 32]

- A. The use of land, buildings, or structures existing and lawful at the time of adoption or subsequent amendment of this chapter may continue although such use does not conform to provisions of this chapter. A lawful nonconforming building, structure, or use may be repaired, maintained, or improved, but the nonconforming building, structure, or use may not be extended or expanded except in conformity with the provisions of this chapter.
- B. Any lawful nonconforming building may be continued and may be expanded by 30% by area or volume within the setback requirements of the size existing at the time of adoption of this chapter or a subsequent amendment thereto, provided that the expansion is attached to the existing structure, does not increase the degree of nonconformity of the structure and that all other setback requirements in the appropriate zone are met. Further reasonable expansion up to an additional 70% of the size existing at the time of adoption of this chapter or a subsequent amendment thereto may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk-in) basement or raises the structure more than three feet above its original elevation. The Board of Appeals shall either grant or deny such applications, treating them as requests for variances and, in addition, applying the requirements of Article 9, § 300-9.1.
- C. Any lawful nonconforming use, except lawful, nonconforming residential uses in the Industrial and Commercial Zones, may be expanded by 30% of the size existing at the time of adoption of this chapter or a subsequent amendment thereto, provided that an increase in the number of nonconforming uses does not result. This subsection allows the increase in the size of the structure serving the nonconforming use but is not intended to permit the addition of nonconforming uses which were not in existence at the time this chapter or a subsequent amendment thereto became effective. The expansion of an otherwise conforming building to accommodate the expansion of a nonconforming use must conform to the requirements of Subsection B above. Further reasonable expansion up to an additional 70% of the size existing at the time of adoption of this chapter or a subsequent amendment thereto may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk-in) basement or raises the structure more than three feet above its original elevation. The Board of Appeals shall either grant or deny

such applications, treating them as requests for variances and, in addition, applying the requirements of Article 9, § 300-9.1.

- D. Any expansion of a nonconforming mobile home park shall conform to the space and bulk standards of the zone in which it is situated; however, no parcel shall be less than 20,000 square feet in size.

§ 300-3.3. Discontinuation of nonconforming uses. [Amended 6-11-2024 ATM by Art. 32]

A lawful nonconforming use that is discontinued for a period of two years may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this chapter.

- A. Change of a nonconforming use. Whenever a nonconforming use is superseded by a permitted use of a structure, or structures and land in combination, the use of the structure or of the land and structure shall thereafter conform to the provisions of this chapter, and the nonconforming use may not thereafter be resumed. A nonconforming use may be changed to be more compatible with uses permitted in its vicinity than the existing use.
- B. Transfer of ownership. Ownership of land and structures, which remain lawful but become nonconforming by the adoption or amendment of this chapter may be transferred and the new owner may continue the nonconforming use or similar uses subject to the provisions of this chapter.

§ 300-3.4. Nonconforming lots of record. [Amended 6-11-2024 ATM by Art. 32]

- A. A single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other space and bulk standards of this chapter shall be met.
- B. If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this chapter and if all or part of the lots do not meet the space and bulk requirements of this chapter, the lands involved shall be considered to be a single parcel for the purpose of this chapter and no portion of said parcel shall be built upon or sold which does not meet space and bulk requirements of this chapter; nor shall any division of the parcel be made which creates any space or bulk below the requirements of this chapter. Two contiguous lots in single ownership which each have an existing residential structure or structures on them at the time of the adoption of this amendment, being September 26, 1987, and which do not meet the space and bulk requirements of this chapter are exempt from this section and may be divided, provided each lot is a minimum of 20,000 square feet in size.
- C. Two or more contiguous lots in single ownership included within a subdivision approved by the Raymond Planning Board prior to July 17, 1974, and recorded in the Cumberland County Registry of Deeds, which are required to be combined under this chapter may be divided, provided that the division creates only two resulting lots, and that the two resulting lots are of equal size and that each of the resulting lots is at least

20,000 square feet in area and has at least 100 feet of frontage. No structure that requires a variance from the setback requirements of this chapter shall be erected on the resulting lots and a statement setting forth this restriction shall be recorded in the Cumberland County Registry of Deeds at the time of the division. At least one of the two resulting lots must be transferred into separate ownership or used for construction of a single-family residence prior to September 26, 1992, or the two resulting lots shall be combined into a single lot.

- D. Notwithstanding any other provisions of this article, any vacant lot of record as of December 30, 1986, containing at least 60,000 square feet and having 225 feet of frontage or shown on a subdivision plan approved by the Raymond Planning Board on or after July 17, 1974, and recorded in the Cumberland County Registry of Deeds may be built upon as a separate lot and need not be combined with other contiguous lots in the same ownership.

§ 300-3.5. Restoration of unsafe or damaged property.

Nothing in this chapter shall prevent the strengthening or restoring to safe condition of any part of any building or structure declared unsafe by the Code Enforcement Officer, or damaged by fire or other casualty.

§ 300-3.6. Pending applications for building permits; construction in process.

Nothing in this chapter shall require any change in the plans, construction, size or designated use for any building, structure or part thereof for which a building permit has been issued, provided construction shall start within six months after issuance of such permit or upon which substantial construction has commenced prior to the adoption or amendment of this chapter.

ARTICLE 4 District Regulations

§ 300-4.1. Village Residential District (VR). [Amended 5-21-2005]

- A. Intent: to provide housing in a compact residential area. The areas encompassed in this district are to be of an urban nature, with neighborhood shopping services and facilities to be provided within the district. The district is established to combine the convenience of urban life with the physical amenities of rural environment. Toward the achievement of these purposes, the following minimum standards are established.
- B. Permitted uses.
- (1) One-family dwellings, to include modular homes (Type 2 manufactured homes). [Amended 5-21-2005]
 - (2) Duplexes. [Added 5-21-2005]
 - (3) Multifamily dwellings.

§ 300-4.1

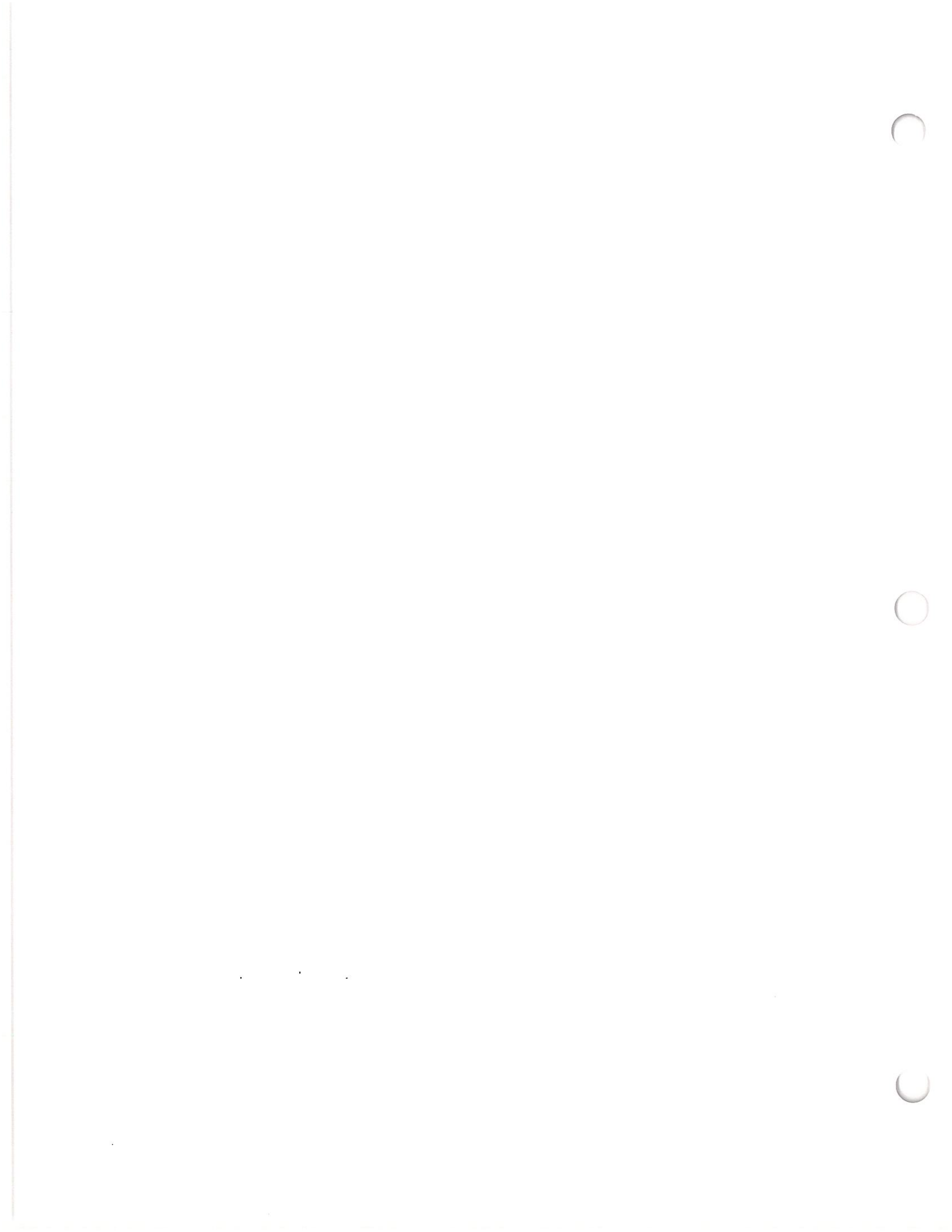
LAND USE

§ 300-4.1

- (4) Schools.
- (5) Churches.

300:8.1

Supp 2, Jun 2024



slope) strip located downgradient and adjacent to the developed area: 35 points; provided there is no channelization within the buffer; or

For a 100-foot-wide (no greater than 15% slope) wooded buffer strip, or a 150-foot-wide vegetated buffer (no greater than 15% slope) strip located downgradient and adjacent to the developed area: 40 points; provided there is no channelization within the buffer.

(b) Point deductions. The reviewing authority will deduct points based on the following point schedule:

[1] Five points deducted for a new structure footprint exceeding 2,000 square feet, and an additional five points deducted for each additional 500 square feet of structure footprint.

[2] Five points deducted for over 20,000 square feet of disturbance, and an additional five points deducted for each additional 5,000 square feet of disturbance.

(2) Alternate means of calculation. In those cases where the planning authority determines that use of the points system is inadequate to achieve the purposes of stormwater and phosphorous management control or is otherwise inappropriate because of particular circumstances of the property, the planning authority may assess conformance with this standard based on the following:

(a) Phosphorus export calculations based on Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (latest edition), issued by the Maine DEP. Any such design must be certified by a licensed professional engineer.

(b) A stormwater management plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a licensed State of Maine professional engineer.

(c) A licensed State of Maine professional engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineer's responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provides other certification into comparable treatment by professional testing results.

§ 300-9.25. Clearing of vegetation for development. [Added 3-21-1998; amended 7-14-2021]

A. In no event shall cleared openings for development, including, but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed, in the aggregate, 25% of the lot area or 15,000 square feet, whichever is greater, including land previously developed, without site plan approval from the Planning Board for any clearing, removal of vegetation, stumps or regrading above this threshold.

- B. If the development wishes only to cut or harvest trees in excess of the threshold, then a permit must be obtained from the Code Enforcement Officer for cutting trees or vegetation.
- (1) When proposing to cut or harvest trees in excess of two acres, a copy of a Maine Forest Service forest operations notification (FON) form shall be provided to the Town Code Enforcement Officer.
 - (2) When proposing cutting or tree harvesting areas under two acres, a written notification shall be provided to the Town Code Enforcement Officer indicating the proposed area(s) to be cut or harvested, along with the parties undertaking the tree cutting operation, a listing of the equipment used, schedule for the operation to be completed, with dated signatures of the landowner and tree removal operations supervisor responsible.
- C. This standard shall not supersede any restrictions or conditions of approval for development previously required for residential subdivision lots, or commercial site plans, nor apply to property in Shoreland Zones. Exemptions from this standard shall be granted for agricultural purposes, personal utility equipment and for private solar power generation or panel installations.

§ 300-9.26. Accessory dwelling units. [Added 6-3-2015; amended 6-13-2023 ATM by Art. 32; 6-11-2024 ATM by Art. 29]

Accessory dwelling units, constructed within an existing dwelling unit on a lot, attached to or sharing a wall with a single-family dwelling unit, or detached, as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, shall be allowed on the same lot as a single-family dwelling unit in any zone where housing is permitted. If the total number of bedrooms or potential bedrooms exceeds by more than one the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy. The accessory dwelling unit must be a minimum of 190 square feet and shall not comprise more than 1,250 square feet of living space, excluding stairways. The accessory dwelling unit must be accessory and subordinate in size to the principal dwelling unit. Not more than one accessory dwelling unit shall be permitted per parcel. No additional parking is required for an accessory dwelling unit beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

§ 300-9.27. Solar energy systems. [Added 6-14-2022; amended 6-11-2024 ATM by Art. 31]

- A. Purpose. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy loads. Energy generated from solar energy systems can be used to offset energy demand on the regional grid where excess solar power is generated. The use of solar energy equipment for the purpose of providing renewable energy sources is a power generation priority and is a necessary component of the latest state and federal energy policies. The standards that follow enable the accommodation of solar energy systems, and equipment to be installed in a safe manner with minimal impacts on the environment and to neighbors. This section shall not apply

to solar systems for individual landowners or residents, which can be reviewed and permitted by the Code Enforcement Officer without the need for site plan review.

- B. Submission requirements. In addition to the submission requirements of Article 10, all solar energy systems are subject to site plan review and must submit materials as outlined below:
- (1) Plan and elevation depictions of a typical panel and mounting and any other structures proposed as part of the solar energy system.
 - (2) General specifications of the system, including dimensions and number of panels, estimated power generation, description of mountings and any other information needed to evaluate compliance with this section.
 - (3) Certification that the solar energy system is compliant with the National Electrical Code and State Electrical Code, as applicable.
 - (4) A site plan that meets the requirements of Article 10 of the Land Use Ordinance for the Town of Raymond, Maine, with the added requirement of:
 - (a) The location of the proposed solar energy system and any fencing, screening, access roads and turnout locations, substation(s), accessory equipment to the system and all electrical cabling from the system to other structures, substations or utility grid connections.
 - (5) The applicant shall provide a copy of the site plan review application, including a project summary, electrical schematic and site plan, to the Fire Chief or his/her designee for review and approval. The Fire Chief shall base any recommendation for approval or denial of the application upon review of the fire safety of the proposed system. Based upon the size, location or on-site fire and life safety hazards, a fire protection water supply may be required at the discretion of the Fire Chief or his/her designee. Upon request, the owner or operator shall cooperate with the Fire Department in developing an emergency response plan.
 - (6) Any other approvals from local, regional, state or federal agencies that may be required. Letters, permits or approvals from these agencies shall be included as a part of the application and/or review. The Planning Board may choose to accept copies of applications awaiting approval. In this case, any local approval granted by the Planning Board shall be conditioned such that no construction or building permits will be issued until all outstanding approvals have been granted.
 - (7) Ground-mounted solar energy systems with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall also submit a decommissioning plan, including an estimated cost and a guarantee suitable to ensure decommissioning comparable with the performance guarantee format in Article 10, § 300-10.3E of this chapter. The Planning Board may waive this requirement.
- C. Required notification.
- (1) All solar energy systems located within two miles of any public or private aircraft launch locations must notify the airport via certified mail that an application has

been submitted to the Town. This notification must include the location and size of the proposed system.

- (2) All ground-mounted solar energy systems with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall notify abutters in accordance with the requirements of Article 10, § 300-10.3A(7), Public hearings and notification.

D. Visual impact assessment. When necessary, based on the project's overall size, location, surrounding uses, or other characteristics of the proposed use or site, the Planning Board may require the submittal of a visual impact assessment. The study shall be prepared by a Maine licensed landscape architect or other professionals with experience with visual impact assessments. The visual impact assessment shall, at a minimum, include the following elements:

- (1) A visual description of the project covering all physical elements that may be visible from public viewpoints.
- (2) Identification and characterization of publicly accessible scenic resources near, or potentially impacted by, the proposed project. This should include any resources of local, state or national significance.
- (3) Determination of the type and extent of any impact on the identified scenic or historic resources. If a project is deemed to be visible from a scenic resource, the Planning Board may require a visualization of the project from a representative point within the resource.
- (4) Description of any proposed mitigation measures such as berms, landscaping screens and buffers, or low-visibility materials that may be used to minimize potential visual impacts from the project.

E. Dimensional standards.

- (1) Height.
 - (a) Building-mounted solar energy systems shall not be considered as contributing to building height, provided that they are erected only to such height as reasonably necessary.
 - (b) Ground-mounted solar energy systems shall not exceed the maximum building height restrictions for the zone in which they are located.
- (2) Setbacks. Solar energy systems shall meet the structure setbacks of the zone in which they are located, except when no other appropriate place on the site exists for the solar energy system to operate as determined by the Planning Board. If no other appropriate location on the site for the system exists, setbacks shall be:
 - (a) Setbacks of five feet from a side or rear lot line shared with a right-of-way or utility corridor, provided the system will not impact visibility along a travel way; or
 - (b) Half the required setback in that zone.

- (3) Impervious surface ratio. All structures, roads and other impervious surfaces associated with a solar energy system shall count towards the maximum impervious surface ratios of the zone in which the system is located. Building-mounted solar energy panels do not change the impervious surface of the building to which they are attached. Ground-mounted solar panels will not be considered impervious surfaces, provided that they meet the following criteria:
 - (a) Panels must be positioned to allow water to run off their surfaces.
 - (b) Soil with adequate vegetative cover must be maintained under and around the panels.
 - (c) The area around the panels must be adequate to ensure proper vegetative growth under and around the panels.
- F. Other standards.
- (1) A licensed electrician shall connect solar energy systems to transmission lines, electrical equipment or any residence or other structure to which power is being provided.
 - (2) Solar energy systems must meet all applicable Building and Fire Codes.
 - (3) Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar energy system design and placement should be prioritized to minimize or negate any solar glare onto nearby properties, roadways or flight paths to the extent practical.
 - (4) Exterior lighting shall be limited to fully shielded or cutoff style fixtures, so as not to contribute to light pollution, sky glow and glare.
 - (5) For ground-mounted solar energy systems, all on-site electrical wires connecting the system to other structures or to utility connections shall be installed underground except for "tie-ins" to public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board during site plan review if the project terrain is determined to be unsuitable due to reasons of need, such as excessive excavation, grading or similar factors.
 - (6) For ground-mounted solar energy systems, all means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Code Enforcement Officer and the Fire Department the name and contact information of a responsible person for public inquiries throughout the life of the installation. The owner or operator shall cooperate with the Fire Department to ensure there is safe emergency access to the site.
- G. Decommissioning and abandonment.
- (1) A ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet, that has reached the end of its useful life or has been abandoned consistent with this section, shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The

owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. The Code Enforcement Officer may grant a one-time extension of up to an additional 180 days at the request of the owner or operator of the system.

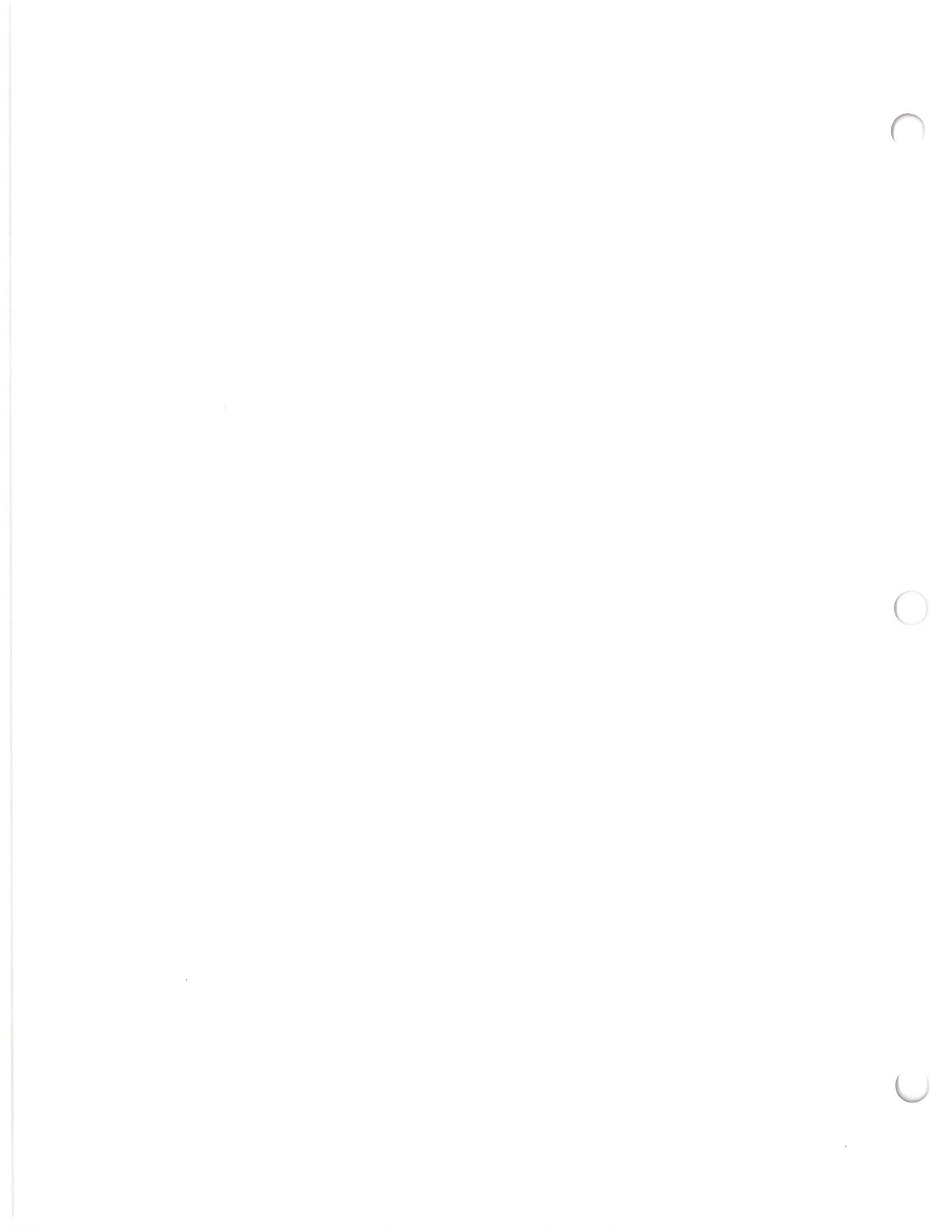
- (2) Decommissioning shall consist of:
 - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site that will not be used by other approved uses on the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - (c) Stabilization and/or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (3) A ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall be considered abandoned when it fails to operate for more than one year. The Planning Board may extend this initial period for an additional 24 months at the request of the owner of the system and with the consent of the landowner and/or operator, if different from the system owner.
- (4) Unless waived by the Planning Board as allowed under Article 10, § 300-10.3E, an applicant for site plan review of a ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall submit a method for ensuring the decommissioning of the system. This may take one of the following forms:
 - (a) A performance guarantee in the amount of 125% of the expected decommissioning costs, including inflation over the expected life of the system, in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit in the name of the Town of Raymond, or some other form of surety that is acceptable to the Town Manager.
 - (b) A binding, contractual guarantee such as in a lease agreement between a system owner and landowner which requires that the solar energy system be decommissioned in accordance with this section and identifies a party responsible for the decommissioning.
 - (c) Other legally enforceable agreements acceptable to the Planning Board.
- (5) If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning as approved by the Code Enforcement Officer, the Town retains the right to use the performance guarantee or other available means to cause an abandoned, hazardous or decommissioned ground-mounted solar energy system to be removed.

- H. Buffers. When a solar energy system abuts a residential parcel, a fifty-foot landscaped buffer strip and visual screen from the abutting residential parcel shall be established and maintained. The Planning Board has the authority to reduce the buffer to no less than 25 feet. For specific buffer standards see § 300-10.6O.

ARTICLE 10
Site Plan Review

§ 300-10.1. Purpose.

- A. The purpose of site plan review is to ensure that the design and layout of commercial, retail, industrial or institutional uses or multifamily residential development will



- (c) Information as to the existing groundwater quality around the site, and a system to monitor any changes should contamination occur;
 - (d) Finding and use of hazardous matter must be shown to be consistent with other local and state regulations.
- (3) Odors. Adequate provisions must be made to control the emission of odors from the site, in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction odor levels.
 - (4) Noise. Adequate provisions must be made to control unnecessary noise from and at the site in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction noise levels.
 - (5) Vibrations. Adequate provision must be made to control vibrations in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction vibration levels.
 - (6) Unique features.
 - (a) Adequate provision must be made to mitigate adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places, or other features of importance to the Town.
 - (b) Developers shall be encouraged to retain any existing trail system that crosses the property or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained. Developers shall be encouraged to retain the integrity and continuity of any greenbelt which crosses the property.
- R. When firefighting water supply or hydrants are required but not located within a proposed or existing right-of-way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use. **[Added 3-15-1997]**

ARTICLE 11

Legal Status Provisions

§ 300-11.1. Conflict with other ordinances.

- A. This chapter replaces the Zoning Ordinance of the Town of Raymond, which is hereby repealed; except that it shall remain in full force for the trial and punishment of all past violations of it and for the recovery of penalties and forfeitures already incurred.
- B. The regulations of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare; provided, however, that where this chapter is found to be in conflict with any other lawfully adopted ordinances, codes, covenants or regulations, the provision which imposes the higher standard or is the more restrictive shall prevail.

§ 300-11.2. Severability.

If any section, subsection, clause or phrase of this chapter shall be held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and to that end the provisions of this chapter are hereby declared to be severable.

ARTICLE 12

Interpretation of Terms and Definitions**§ 300-12.1. Interpretation of terms.**

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel." The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

§ 300-12.2. Terms defined. [Amended 5-16-1987; 5-20-1989; 3-17-2001; 5-15-2004; 5-21-2005; 8-7-2007; 6-2-2009; 6-3-2014; 6-3-2015; 6-7-2016; 7-14-2021; 6-14-2022; 6-13-2023 ATM by Art. 29; 6-13-2023 ATM by Art. 32; 6-11-2024 ATM by Art. 29; 6-11-2024 ATM by Art. 30; 6-11-2024 ATM by Art. 32]

Except as specifically defined herein, all words in this chapter shall carry their customary dictionary meanings. For the purposes of this chapter, certain words or terms used herein are to be construed or defined as follows:

ACCESSORY DWELLING UNIT — A separate dwelling unit located on the same parcel with a single-family dwelling. The accessory dwelling unit shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit.

ACCESSORY STRUCTURE — See "structure."

ACCESSORY USE — A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

AFFORDABLE HOUSING — Housing which can be afforded by households at or below 80% of the Town's median household income, as specified by the Maine Department of Economic and Community Development or the Maine State Planning Office. In making a determination of the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include mortgage and/or rental costs, taxes, homeowner/tenant insurance, heat and utilities.

AFFORDABLE HOUSING DEVELOPMENT

- A. For rental housing, a development in which a household whose income does not exceed 80% of the area median income as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the

- developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the area median income as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
- C. For purposes of this definition, "majority" means more than half.
- D. For purposes of this definition, "housing costs" means:
- (1) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - (2) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

AGRICULTURE — The production, keeping or maintenance, for sale or lease, of plants, trees, animals or honeybees, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

ALTERATION TO IMPERVIOUS AREA — An alteration to an existing impervious area through addition of low-permeability materials, re-grading of the area or other disturbance, addition or reconfiguration that results in a change in the existing drainage pattern or the functionality of the drainage system, a change in the permeability of the area, a change in the area or pattern of any compaction or any other change which affects the existing infiltration of stormwater. "Alteration to impervious area" does not mean the paving, blacktopping, sealing, painting or maintaining of an already impervious surface unless one of the criteria above has been met.

AMUSEMENT PARK — A permanent recreational park equipped with amusements such as Ferris wheels, water slides or other such equipment and facilities. Miniature golf courses shall be considered an amusement park for the purposes of this section.

AUTOMOBILE GRAVEYARD — The definition in 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein.

AUTOMOBILE RECYCLING BUSINESS — The definition in 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein.

AUTOMOBILE STORAGE LOT — A lot or part thereof that is used for the sale and/or storage of any three or fewer automobiles, trucks and/or other motorized vehicles, as defined in 29-A M.R.S.A. § 101, Subsection 42, that are not registered and/or do not have a current state inspection sticker, or parts of such vehicles, and that are not enclosed in a permanent structure. A business that buys and sells vehicles for immediate inspection and registration by new owners after sale is not an automobile storage lot.

BACK LOT — A lot that does not have street frontage directly on a public or private road. Direct access to a public road, and frontage requirements, are met for back lots through an application for a back lot driveway plan approved by the Planning Board under Article 9, § 300-9.20, of this chapter.

BACK LOT DRIVEWAY — A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a Town-accepted, proposed public, or private street, constructed in accordance with the Town of Raymond Street Ordinance standards for a private street.

BOARDING HOME — Any dwelling in which lodging is offered for compensation to three or more persons either individually or as families, with or without meals.

BUFFER STRIP — An area or belt of land covered with trees or other vegetation that serves to protect a body of water from the adverse effects of development.

BUILDABLE AREA — The portion of the lot remaining after required yards have been provided.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. See also "structure."

BUILDING INSPECTOR — The Inspector of Buildings for the Town of Raymond or any duly authorized person.

CAMPER — For the purposes of this chapter, a "camper" shall be treated in all respects as a trailer.

CAMPGROUND — Land upon which one or more tents are erected or trailers are parked for temporary recreational use on sites arranged specifically for that purpose. The word "campground" shall include the words "tenting grounds" and "trailer parks."

CONDITIONAL USE — A use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in said land use districts as conditional uses, where specific provision for such conditional use is made in this chapter. Any land use not listed in this chapter must go to the Board of Appeals before approval.

CONDOMINIUM — As defined in the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes, as such may be amended from time to time.

CORNER LOT — A lot situated at the intersection of two streets/roads.

DEVELOPABLE AREA — For individual house lots, "developable area" is the portion of the lot deemed suitable for building and not comprised of land that is unsuitable for development due to limitations based on the presence of wetlands, floodplains or steep slopes. For larger parcels or tracts of land proposed for subdivision or other development, the developable area is the amount of land remaining after deductions are made for unsuitable land using the net residential area calculations. In such developments, the developable area is

used to determine the maximum number of lots or dwelling units that will be permitted on the land parcel or tract, rather than using the gross acreage.

DIVERSION DITCH — A ditch constructed across the slope to divert water away from the area under development.

DRIVEWAY — Access route or right-of-way to any single-family dwelling, duplex or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed nonresidential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All nonresidential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Article 10, Site Plan Review, § 300-10.6, Performance standards.

DUPLEX — A building with two dwelling units.

DWELLING — A building or part thereof used for living quarters for one or more families.

DWELLING UNIT — One or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other device for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

- A. **PERMANENT OR YEAR-ROUND** — A dwelling unit so constructed as to be suitable for occupancy 365 days of the year.
- B. **SEASONAL** — A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

ELDERLY HOUSING

- A. A building or group of buildings containing three or more dwelling units which are limited for a period of at least 50 years by restrictive covenants recorded in the Cumberland County Registry of Deeds to use only as "housing for older persons," as defined in the Federal Fair Housing Act, as that act may be amended.
- B. Under the definition in the Federal Fair Housing Act in effect at the time of adoption of this chapter definition [42 U.S.C. § 3607(b)(2)], "housing for older persons" means any one of the following:
 - (1) A dwelling which the federal Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons under a federal or state government program;
 - (2) A dwelling intended for and occupied solely by persons who are 62 years of age or older; or
 - (3) A housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
 - (a) At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;

- (b) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate for occupancy by persons 55 years of age or older, and the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.

EMERGENCY OPERATIONS — Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings and livestock from the threat of destruction or injury.

EROSION CONTROL — The placement of vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc., on areas disturbed by grading operations. Erosion control measures reduce the loss of soil due to the action of water or wind and minimize water pollution.

FAMILY — One or more persons occupying a premises and living as a single (1) housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house or hotel as herein defined.

FLOOD INSURANCE RATE MAP — That map identifying areas of special flood hazard within the Town prepared by the Federal Emergency Management Agency, as most recently revised, finally approved and effective.

FOREST MANAGEMENT ACTIVITIES — Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction or creation of roads.

FRONTAGE — See "lot frontage."

GROSS DEVELOPMENT AREA — Any area disturbed by development such as clearing, cutting, filling, excavation or paring.

GROSS FLOOR AREA — The sum, in square feet, of the total horizontal area of all floors of a building, as measured from the interior faces of the outside walls. Non-daylight basements should not be included in the calculation of gross floor area unless they have usable access from the outside and serve a function that would typically provide public access. Daylight basements should be included in calculating gross floor area.

HEIGHT OF BUILDING — The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level 2/3 of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. The height limits of this chapter shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers and similar structures not intended for human occupancy.

HOME OCCUPATION

- A. An occupation or profession that is customarily carried on in a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes. A home occupation must conform to the standards set forth in Article 9 of this chapter.
- B. Examples; conditions.
- (1) The following are examples of permitted uses under this definition:
 - (a) Beauty shop;
 - (b) Arts and crafts studio or shop;
 - (c) Professional office;
 - (d) Woodworking;
 - (e) Day-care center;
 - (f) Seamstress/Tailor;
 - (g) Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATVs and snowmobiles.
 - (2) No retail sales of repaired goods shall be permitted.
- C. The following uses are specifically prohibited as a home occupation:
- (1) Auto repair;
 - (2) Auto body repair.

IMPERVIOUS AREA — The area that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and macadam or other surfaces which similarly impede the natural infiltration of stormwater.

INDEPENDENT PARKING FACILITY — An outdoor storage area for motor vehicles, or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel. This definition includes areas such as tow yards or compounds not associated with a garage or vehicle repair use.

INDUSTRIAL STRUCTURE — Any building or structure, except a dwelling intended for the making of goods and articles by hand or machinery, including assembly, fabrication, finishing, packaging and processing. The term shall include any building or structure which houses goods or equipment for that purpose.

INDUSTRIAL USE — The making of goods and articles by hand or machinery, including assembly, fabrication, finishing, packaging and processing.

INTERMODAL SHIPPING CONTAINER — A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. The term "intermodal storage container" includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term "intermodal storage container" does not include:

- A. A garage, barn or storage structure accessory to a principal use, provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise.
- B. A "dumpster"-type container that is owned by a licensed waste hauler and is emptied no less than once a month, provided that use of such container is incidental to the principal use of the property.

JUNKYARD — The definition in 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein.

LANDSCAPED BUFFER STRIP — An area of land comprised of existing vegetation or which is landscaped with grass or bark mulch and shrubs or trees. Crushed rock or materials such as concrete or asphalt and green paint are not acceptable materials for the development of a landscaped green strip. Parking and display of items for sale or trade shall not be permitted in the landscaped buffer strip.

LIVING SPACE — A climate-controlled area within a dwelling used for living, sleeping, eating, bathroom, or cooking purposes and excluding such areas as garages, attics, and utility spaces.

LOT — A parcel of land in single (1) ownership, and having frontage upon an approved street or having a private right-of-way whose width shall not be less than that width used as a minimum standard for public rights-of-way.

LOT FRONTAGE — The distance along the front lot line of a lot, or in the case of an irregular or curved front lot line, the distance along an imaginary straight line connecting the two ends of the front lot line; or in the case of a back lot the frontage shall be measured as described in the definition of "back lot driveway" and in Article 9, § 300-9.20C, of this chapter. The side of a lot facing a major public water body shall be known as the "waterfront"; and the side or sides facing a street shall be known as the "street front." For corner lots, or lots abutting a street/road on two or more sides, the front of the lot shall be the property line on the street/road on which the lot will have its driveway or access.

LOT STRUCTURAL COVERAGE — The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area.

MANUFACTURED HOUSING — A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of their own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes" or "Type 1 manufactured homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development

Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, constructed with a pitched roof, and with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structural dimension is not more than 30° from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts, and which are built on a permanent chassis and designed to be used as dwellings, with permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subsection, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

- B. Those units commonly called "modular homes" or "Type 2 manufactured homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

MOBILE HOME PARK — A parcel of land under unified ownership approved by the Town of Raymond for the placement of three or more manufactured housing units.

MOBILE HOME PARK LOT — The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

MOBILE HOME PARK SUBDIVISION OR DEVELOPMENT — A parcel of land approved by the Town of Raymond for the placement of manufactured houses on individually owned lots.

MULTIFAMILY DWELLING — A building with three or more dwelling units.

MUNICIPAL OFFICER — Any member of the Board of Selectmen of the Town of Raymond.

MUNICIPAL OFFICIAL — Any member of any board appointed by the Board of Selectmen of the Town of Raymond, any administrative employee of the Town and the Board of Selectmen.

NET RESIDENTIAL AREA — A calculation that deducts from the total area of a land parcel or tract all land that is not considered buildable or suitable for development, leaving the land area allowed for calculating net residential density.

NET RESIDENTIAL DENSITY — The maximum number of dwelling units allowed on a parcel or tract of land after performing the net residential area calculation and dividing the resulting area by the minimum lot size for the zoning district where the parcel or tract of land is located.

NONCONFORMING CONDITION — A nonconforming lot, structure, or use which is allowed solely because it was in lawful existence at the time this chapter or a subsequent amendment took effect.

NONCONFORMING LOT — A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the area, frontage, or width requirements of the district in which it is located.

NONCONFORMING STRUCTURE — A structure which does not meet any one or more of the following dimensional requirements: setback, height, footprint, or lot coverage; but which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONCONFORMING USE — Use of buildings, structures, premises, land, or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NORMAL HIGH WATER MARK OF INLAND WATERS — That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial. (By way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples.. In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.

NURSING HOME — Any dwelling in which three or more aged, ill, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

OPEN SPACE SUBDIVISION — A subdivision in which the dimensional requirements are reduced below that otherwise required in return for permanently preserved open space.

OUTDOOR SALES AND SERVICE — The regular display by a retailer of stock-in-trade outside of an enclosed structure. The term includes, but is not necessarily limited to, businesses that involve an outside parking or display area for the sale of cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, boats, boat trailers, aquatic recreational vehicles and equipment, or mobile homes; businesses involved in the outdoor sale of used merchandise, other than at flea markets, which is separately defined; and similar outdoor sales activities. For purposes of this chapter, the serving of food by an eating and drinking place at outside tables shall not constitute outdoor sales.

OUTDOOR STORAGE — The commercial keeping or storage of goods, materials, motorized vehicles, boats/water recreational vessels/vehicles, trailers, temporary structures and any other equipment associated with the principal use of a building outside permanently or seasonally, for a fee.

OWNER — Any person, firm, corporation or other legal entity that controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

PARKING AREA — An outdoor storage area for motor vehicles that is not located on a street right-of-way.

PLUNGE POOL — A stone-lined pool below the elevated outlet of a drainage culvert used to reduce the erosive force of water.

POND — Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

PRINCIPAL STRUCTURE — See "structure."

PRIVY — A pit in the ground into which human excrement is placed.

PUBLIC PLACES — Public parks, playgrounds, trails, paths, other recreational areas, other public open spaces, scenic and historic sites, schools and other public buildings and structures.

RECENT FLOODPLAIN SOILS — Recent floodplain soils include the following soils as described and identified by the National Cooperative Soil Survey: alluvial land; Hadley silt loam; Limerick fine sandy loam; Ondawa fine sandy loam; Podunk fine sandy loam; Rumney fine sandy loam; Saco silt loam; Suncook loamy sand; and Winooski silt loam.

RETAIL CONVENIENCE SHOPS — Any retail business establishment catering primarily to the needs of residents in its vicinity for goods or services housed entirely within a building of which the total floor area does not exceed 2,000 square feet; the term includes, but is not limited to, grocery, hardware and drugstores, but not eating facilities.

RIPRAP — Large, loose, angular or rounded stone used as a permanent erosion-resistant ground cover.

RIVER — Any free-flowing body of water from that point at which it provided drainage for a watershed of 25 square miles to its mouth.¹⁸

ROAD-CROSSING OF A WATERCOURSE — That portion of road that traverses a river or a body of standing water.

- A. MAJOR ROAD-CROSSING OF A WATERCOURSE — A road crossing of a stream or water body that appears on the USGS topographical maps.
- B. MINOR ROAD-CROSSING OF A WATERCOURSE — A road crossing of a stream or water body that does not appear on the USGS topographical maps.

RUINS — Buildings or other structures that are destroyed or damaged by fire or other disasters.

SECONDARY ACCESS — Access routes, paths or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service or any

18. Editor's Note: The definition of "road," which immediately followed this definition, was repealed 7-14-2021.

other nonprimary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway.

SEDIMENT BASIN — An embankment or shallow excavated pit or pond used to impound water in order to collect and store sediment and/or debris.

SEDIMENTATION CONTROL — Physical practices, such as installation of silt fence, stone check dams, sediment traps, etc., that help reduce the likelihood of eroded soil particles suspended in stormwater from being deposited in a stream, lake or other body of water.

SETBACK — A line that is a required minimum distance from any lot line or right-of-way line that establishes the area within which principal and accessory buildings or structures must be erected or placed. Setbacks are measured from the nearest horizontal distance from lot lines, right-of-way lines, the normal high-water line of a water body or tributary stream, and the upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

SETBACK, FRONT — A line that is a required minimum distance from any front lot line or right-of-way line used as lot frontage and the nearest part of a structure, or other regulated object or area. For corner lots, the front setback shall apply to any lot line abutting a street or road.

SIGN — An attached or freestanding structure or part of a structure designed to convey to persons not on the premises some information, knowledge or idea by means of letters, words, insignia, color, illuminated or nonilluminated device or illustration.

SIGN AREA — For the purposes of this chapter, the area of a sign shall be construed to be that part or surface used to convey a message but shall not include poles, standards or other parts that perform solely a weight-bearing function.

SILT FENCE — A pervious woven or nonwoven material that is installed across or at the toe of a slope in order to slow the velocity of water and allow sediment to settle out. Silt fence is supported by metal or wooden stakes and is extended under the soil surface to prevent bypass of drainage water.

SOLAR ENERGY SYSTEM — A device or structural design feature principally used to capture solar energy and convert it to electrical or thermal power. A solar energy system consists of one or more freestanding ground-mounted, or building-mounted, solar arrays or modules, or solar-related equipment.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED — A solar energy system that is mounted to the roof or sides of a building.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED — A solar energy system that is structurally mounted to the ground and is not attached to a permitted building.

STORAGE LOT — A lot or part thereof that is used for the sale and/or storage of the following, which cover a total aggregate area of less than 250 square feet and which are not enclosed in a permanent structure:

- A. Used plumbing, heating supplies, household appliances and furniture;
- B. Used lumber;

- C. Old or used copper, brass, rope, rags, batteries, paper trash, rubber debris and tires, waste and scrap iron, steel and other ferrous or nonferrous material; and
- D. Used snowmobiles, ATVs, boats and other machinery.

STREET — A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this chapter. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- A. MINOR STREET — A street designed to serve as primary residential access, and which meets the design standards for public streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- B. PRIVATE STREET — A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5, Street Design Standards, of the Town of Raymond Street Ordinance. Private streets are to be maintained by an owner, or ownership such as a homeowners' association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine professional engineer.
- C. ROAD — A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond land use ordinances, a road must comply with the standards set forth under the definition of "street" to be utilized for acceptable lot frontage or street front.

STRUCTURE

- A. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, boundary walls four feet or less in height, fences, mailboxes, lampposts, birdhouses, doghouses, tree houses designed for children's use, bus shelters, subsurface wastewater disposal systems as defined in 30-A M.R.S.A. § 4201, Subsection 5, geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subsection 3-C, wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subsection 8, or other similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, carports, satellite dishes, communications systems, ground-mounted solar energy systems, antennas, pools, etc. Utility poles, wiring, and the aerial equipment normally associated with service drops, including guy wires and guy anchors, shall not be considered structures; however, they must meet the minimum required setbacks from the high-water mark of any pond, lake, stream or river.
- B. Structure terms.

- (1) **PRINCIPAL STRUCTURE** — The structure in which the primary use of the lot is conducted.
- (2) **ACCESSORY STRUCTURE** — A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
- (3) Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven months in any period of 12 consecutive months.
- (4) Permanent piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that are not removed from the water annually.
- (5) **SINGLE-FAMILY DWELLING** — A structure containing not more than one dwelling unit.
- (6) **MULTIFAMILY DWELLING** — A structure containing two or more dwelling units.
- (7) In the Shoreland Zone, retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the conditions of Shoreland Zoning Provisions § 350-6.3G are met.

SUBDIVISION — A division of a tract or parcel of land as defined in 30 M.R.S.A. § 4956.¹⁹

SUBSURFACE DRAINAGE STRUCTURE — Tile, pipe or tubing installed beneath the ground surface to collect and/or convey drainage water.

TEMPORARY CHECK DAM — Small, temporary stone or log barriers constructed across a swale or drainage ditch to filter sediment out of drainage.

TIMBER HARVESTING — The cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

TIMBER HARVESTING ACTIVITIES — Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

TINY HOME — A structure that does not exceed 400 square feet, excluding lofts, that has one or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities regardless of the time period

¹⁹ Editor's Note: 30 M.R.S.A. § 4956 was repealed by L. 1987, c. 737, § A, 1; and Laws 1989, c. 878, § C-25, eff. 4-20-1990. See now the subdivision provisions in 30-A M.R.S.A. § 4401 et seq.

rented. Recreational vehicles are not to be used as a tiny home or dwelling unit. A tiny home must meet all of the minimum requirements of a dwelling unit.

TOWN or MUNICIPALITY — The Town of Raymond.

TRAVEL TRAILER — A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation and vacation use.

VARIANCE — A relaxation of the terms of this chapter where such will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

WATER BODY — A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial.

WETLAND — Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation or other criteria as inland wetlands, including but not limited to swamps, marshes or bogs.

ARTICLE 13

Open Space Subdivisions

§ 300-13.1. Policy and purpose; types.

A. Policy. [Amended 7-14-2021]

- (1) It is the policy of the Town of Raymond to encourage the use of open space subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Raymond Comprehensive Plan and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town, while promoting neighborhood connectivity through cross-linkages of vehicular and pedestrian access and providing opportunities for future access connections to adjoining undeveloped parcels.
- (2) This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout design, support roads constructed for public acceptance, and revise road frontage requirements by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this Land Use



- (2) After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in § 300-13.1B that are applicable to the proposed subdivision, the Board may advise the applicant to proceed with an application for an open space subdivision.
- B. Application procedure.
- (1) Required plans. The submissions for an open space subdivision shall include, as appropriate, unless any of the same is waived, all plans and materials required for a conventional subdivision under the Subdivision Regulations and for site plan review.
 - (2) Waiver of submission and review requirements. The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more efficient where the number of lots proposed for development in a parcel is five or fewer within any five-year period, or the proposed open space subdivision is a conservation density subdivision.

§ 300-13.3. General requirements. [Amended 5-21-2005; 6-7-2011; 7-14-2021; 6-14-2022; 6-13-2023 ATM by Art. 27; 6-11-2024 ATM by Art. 30]

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of the Land Use Ordinance or the Subdivision Regulations:

- A. Use and district requirements. All open space subdivisions shall meet the use standards of the districts in which they are located.
- B. Allowable density.
 - (1) The allowable density for a proposed development of five or fewer lots within any five-year period of a parcel of land under one ownership or a grouping of contiguous parcels as described in Article 13, § 300-13.1D shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.
 - (2) The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:
 - (a) Determine the developable area of the parcel according to the net residential area calculation contained in Article 8, § 300-8.1, and increase it by 20%; then
 - (b) Divide the increased net residential area by the minimum lot size required in the district to obtain the net residential density allowable.
 - (3) A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

- (4) A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.
- (5) Any affordable housing density bonus provision provided for in the Land Use Ordinance or the Subdivision Regulations shall also apply within clustered residential projects.
- (6) In a conservation density subdivision, where all other requirements of this performance standard are met, the Planning Board may include up to 50% of land in resource protection zones and wetland areas for purposes of calculating density.

C. Layout and siting standards.

- (1) In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations. Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.
- (2) The building lots on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board, in its discretion, shall resolve conflicts between these principles as applied to a particular site. In order to maximize the following principles, the Board may request additional information from applicants as it deems relevant and may require a third-party review of the proposed layout, siting and design of the subdivision, by a professional qualified in landscape design, landscape architecture or other relevant disciplines.
 - (a) In the least suitable agricultural soils and in a manner which maximizes the usable area remaining for the designated open space use, where agricultural, forestry or recreational, existing or future uses, are particularly sought to be preserved.
 - (b) In locations least likely to block or interrupt scenic, historic and traditional land use views, as seen from public roadways and great ponds.
 - (c) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
 - (d) In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;

- (e) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;
- (f) In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures and density of development with other permitted uses within the zoning district;
- (g) In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged.
- (h) In locations least likely to block or interrupt existing trails, trail systems or other traditional recreational travel corridors such as snowmobile routes;
- (i) So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.

D. Space standards.

- (1) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.
- (2) Distances between residential structures in multifamily open space subdivisions shall be a minimum of the height of the tallest structure.
- (3) In areas outside of the LRR1 and LRR2 Districts, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than 20,000 square feet. The required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions within the LRR1 and LRR2 Districts to one acre and 1 1/2 acres, respectively. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the zoning district, notwithstanding the net residential density allowed by Subsection B, above, of this performance standard.
- (4) Minimum road frontage requirements of the Land Use Ordinance and Subdivision Regulations may be waived or modified by the Planning Board, provided that:
 - (a) Any applicable provisions regarding roads in the Street Ordinance are satisfied.
 - (b) Adequate road curvature design access and turnaround termini, to and from all parcels, for fire trucks, ambulances, police cars and other emergency vehicles meet minimal safe turning radii requirements over all internal access streets, ways or driveways. Roads shall consider extension of rights-of-way to adjoining lands where development is possible in the future, and the Planning Board will promote the offering of such open space subdivision streets and rights-of-way for public acceptance.

- (5) A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than 25 feet or that required for the applicable zoning district, whichever shall be less. For the perimeter of a multifamily cluster development, site setback shall not be reduced below the minimum front, side and rear setbacks required in the zoning district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
- E. Utilities. At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities, including individual wells and septic systems, may be located on designated portions of the open space, if necessary, provided the same shall not unreasonably interfere with the open space purposes to be achieved under this performance standard and for the particular parcel(s) that is the subject of the application for open space subdivision.
- (1) The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that, due to the specific placement of wells and septic systems:
 - (a) Adequate groundwater is available at all locations proposed for individual water systems; and that
 - (b) There is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10 mg/l of nitrates.
 - (2) If a private collection septic system is proposed for a single-family clustered development or a multiplex cluster development, the applicant must show that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the Maine Subsurface Waste Water Disposal Rules. The septic system shall meet the provisions of Article 10, Section 7, of the Raymond Subdivision Ordinance.
 - (3) If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common, and written evidence of said maintenance agreement shall be submitted to the Planning Board.
- F. Affordable housing.
- (1) To encourage the availability of affordable housing to low- and moderate-income families in affordable housing developments, as defined in Article 12, the following increases in residential density, building height, and reductions in lot size, frontage, and parking requirements shall be permitted where a lot is served by public water:
 - (a) The affordable housing development may be developed at 1.5 times the net residential area or acreage calculation in accordance with Article 8, § 300-8.1.

- (b) The affordable housing development may be developed with an increase of 20% in building height and a reduction of 20% in lot size and lot frontage without obtaining a variance from the Board of Appeals.
 - (c) In no event shall the parking requirement be greater than two off-street parking spaces for every three dwelling units of an affordable housing development.
- (2) Long-term affordability. The affordability for all units designated affordable in the development receiving benefits from the Town under Subsection F above shall be guaranteed in accordance with the following requirements:
- (a) The period of affordability shall be at least 30 years after the completion of construction.
 - (b) An application for a subdivision or other residential development that includes a request for a density bonus under this section shall include a written statement on the subdivision plan or other filing plat indicating the dwelling units are earmarked as affordable. Such plat must be approved and signed by the Planning Board and then filed at the Cumberland County Registry of Deeds prior to receiving any building permits.
 - (c) The method of guaranteeing affordability is determined on a case-by-case basis by the Town, provided that the application demonstrates to the satisfaction of the Planning Board that, by means of restrictive covenants, deed restrictions, financial agreements, or other appropriate legal and binding instruments, the dwelling units will remain affordable for the required period of time.
 - [1] For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
 - [2] For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.
 - (d) A copy of the deed restriction shall be included as part of the subdivision or other residential development application and the deed restriction shall reference the book and page number at which the subdivision/residential development plan is recorded in the Cumberland County Registry of Deeds. Affordable housing covenants shall be held and enforceable by a party acceptable to the Town.
 - (e) The period of enforceability shall be guaranteed by the developer in a document satisfactory to the Town and recorded at the Cumberland County Registry of Deeds prior to granting a certificate of occupancy for the affordable housing development. The document shall include, but not be limited to, authorization for the Town to seek the penalties outlined in the document and to seek injunctive relief, including attorney's fees and costs, or both.

§ 300-13.4. Open space requirements.

A. General provisions.

Chapter 350

SHORELAND ZONING

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[HISTORY: Adopted by the Town Meeting of the Town of Raymond 5-21-1994; amended 3-18-2000; 5-18-2002; 5-17-2003; 5-21-2005; 12-2-2008; 6-1-2010; 6-7-2011; 6-5-2012; 6-4-2013; 6-3-2014; 6-3-2015; 6-7-2016; and 6-4-2019. Subsequent amendments noted where applicable.]

These Shoreland Zoning provisions are a part of the Raymond Land Use Ordinance.²

ARTICLE 1
General Provisions

§ 350-1.1. Purpose.

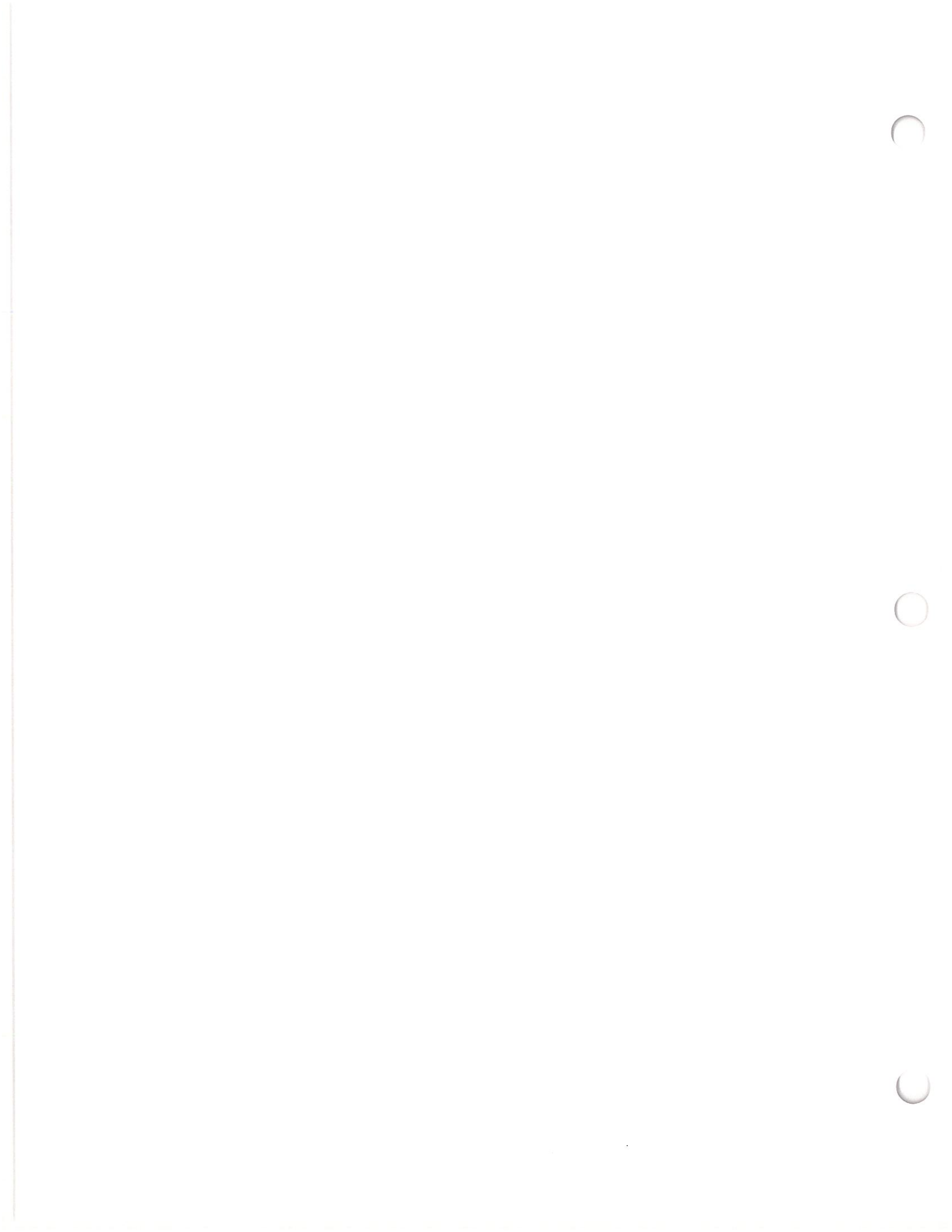
The purpose of these ordinance provisions is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic

1. Editor's Note: The codification of this ordinance was enacted 12-13-2022 STM by Art. 2, which ordinance renumbered the ordinance and each of its sections and subsections, updated internal references to reflect the new numbering system, and made certain nonsubstantive changes to the text to impose a consistent style.

2. Editor's Note: See Ch. 300, Land Use.

§ 350-6.27. Accessory dwelling units. [Added 6-11-2024 ATM by Art. 29]

- A. Accessory dwelling units, constructed within an existing dwelling unit on a lot, attached to or sharing a wall with a single-family dwelling unit, or detached, as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, shall be allowed on the same lot as a single-family dwelling unit within 250 feet of a great pond, river, and freshwater wetland, and within 75 feet of a stream, only when the dimensional requirements can be met for each dwelling unit.
- B. Accessory dwelling units, constructed within an existing dwelling unit on a lot, attached to or sharing a wall with a single-family dwelling unit, or detached, as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, shall be allowed on the same lot as a single-family dwelling unit beyond 250 feet of a great pond, river, and freshwater wetland, and beyond 75 feet of a stream.
- C. If the total number of bedrooms or potential bedrooms exceeds the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy.
- D. The accessory dwelling unit must be a minimum of 190 square feet and shall not comprise more than 1,250 square feet of living space, excluding stairways. The accessory dwelling unit must be accessory and subordinate in size to the principal dwelling unit.
- E. Not more than one accessory dwelling unit shall be permitted per parcel.
- F. New detached structures. New detached structures constructed for use as an accessory dwelling unit shall be set back at least 30 feet from the side property lines.
- G. If an addition is made to an existing dwelling unit for the creation of a new accessory dwelling unit, and it will increase the living space by more than 50% of what existed on June 1, 2024, then a thirty-foot side yard setback is required for the portion of the structure that will serve as the accessory dwelling unit.
- H. No additional parking is required for an accessory dwelling unit beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.



- (2) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions.
 - (3) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- C. Legal actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of these ordinance provisions in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these ordinance provisions and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- D. Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates a provision or requirement of this chapter shall be penalized in accordance with 30-A M.R.S.A. § 4452.

ARTICLE 8

Definitions

§ 350-8.1. Word usage and interpretation.

- A. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel." The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- B. Except as specifically defined herein, all words in these shoreland zoning provisions shall carry their customary dictionary meanings, unless specifically defined in these shoreland zoning provisions or in other provisions of the Raymond Land Use

Ordinance.⁹ If there are conflicting definitions in these shoreland zoning provisions and in other provisions of the Raymond Land Use Ordinance, the definition in these shoreland zoning provisions shall be used when defining terms in the shoreland zoning provisions. When defining terms in other provisions of the Land Use Ordinance, the definitions in these shoreland zoning provisions shall not apply.

§ 350-8.2. Terms defined. [7-14-2021; 6-14-2022; 6-13-2023 ATM by Art. 32; 6-13-2023 ATM by Art. 26; 6-11-2024 ATM by Art. 29]

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT — A separate dwelling unit located on the same parcel with a single-family dwelling. The accessory dwelling unit shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling.

ACCESSORY STRUCTURE — See "structure."

ACCESSORY USE — A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

AGGRIEVED PARTY — An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

AGRICULTURE — The production, keeping or maintenance, for sale or lease, of plants and/or animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

AQUACULTURE — The growing or propagation of harvestable freshwater, estuarine or marine plant or animal species.

BASAL AREA — The area of cross-section of a tree stem at 4 1/2 feet above ground level, and inclusive of bark.

BASEMENT — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

BOAT LAUNCHING FACILITY — A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area and parking spaces for vehicles and trailers.

BOAT TRAILER — A vehicle designed to transport boats and other water-related recreational apparatus.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. See also "structure."

9. Editor's Note: See Ch. 300, Land Use.

BUREAU OF FORESTRY — State of Maine Department of Agriculture, Conservation and Forestry's Bureau of Forestry.

CAMPGROUND — Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

CANOPY — The more or less continuous cover formed by tree crowns in a wooded area.

COMMERCIAL USE — The use of lands, buildings or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

CORNER LOT — A lot situated at the intersection of two streets/roads.

CUPOLA — A nonhabitable building feature mounted on a building roof for observation purposes, with a floor area of 53 square feet or less, and which does not increase the existing height of the structure by more than seven feet.

DBH — The diameter of a standing tree measured 4.5 feet from ground level.

DEVELOPMENT — A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS — Numerical standards relating to spatial relationships, including but not limited to setback, lot area, shore frontage and height.

DISABILITY — Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

DRIVEWAY — Access route or right-of-way to any single-family dwelling, duplex or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed nonresidential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All nonresidential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Chapter 300, Land Use, Article 10, Site Plan Review, § 300-10.6, Performance standards.

DWELLING UNIT — One or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other device for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

A. PERMANENT OR YEAR-ROUND — A dwelling unit so constructed as to be suitable for occupancy 365 days of the year.

B. SEASONAL — A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

EMERGENCY OPERATIONS — Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ESSENTIAL SERVICES — Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

EXCAVATION CONTRACTOR — An individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

EXPANSION OF A STRUCTURE — An increase in footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

EXPANSION OF USE — The addition of one or more months to a use's operating season; or the use of more footprint or ground area devoted to a particular use.

FAMILY — One or more persons occupying a premises and living as a single housekeeping unit.

FLOODWAY — The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FLOOR AREA — The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

FOOTPRINT — The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

FOUNDATION — The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls or other base consisting of concrete, block, brick or similar material.

FUNCTIONALLY WATER-DEPENDENT USES — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreland structures necessary for erosion control purposes, industrial uses dependent upon waterborne

transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres; except, for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA — Any great pond classified GPA, pursuant to 38 M.R.S.A. § 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

GROUND COVER — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HAZARD TREE — A tree with a structural defect, combination of defects or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites and any other developed area where people frequently gather and linger.

HEIGHT OF STRUCTURE — The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

HOME OCCUPATION — An occupation or profession which is customarily conducted on or in a residential structure or property and which:

- A. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
- B. Employs no more than two persons other than family members residing in the home.

INCREASE IN NONCONFORMITY OF A STRUCTURE — Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity, such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally, provided that the expansion extends no closer to the water body, tributary stream or wetland than the

closest portion of the existing structure from that water body, tributary stream or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

INDUSTRIAL — The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INSTITUTIONAL — A nonprofit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

LIVING SPACE — A climate-controlled area within a dwelling used for living, sleeping, eating, bathroom, or cooking purposes and excluding such areas as garages, attics, and utility spaces.

LOT AREA — The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

LOT FRONTAGE — The distance along the front lot lines of a lot, or in the case of an irregular or curved front lot line, the distance along an imaginary straight line connecting the two ends of the front lot line; or in the case of a back lot, the frontage shall be measured as described in the definition of "back lot driveway" and in Chapter 300, Land Use, Article 9, § 300-9.20C. The side of a lot facing a major public water body shall be known as the "waterfront"; and the side or sides facing a street shall be known as the "street front." For corner lots, or lots abutting a street/road on two or more sides, the front of the lot shall be the property line on the street/road for which the lot will have its driveway or access.

MANUFACTURED HOUSING

- A. A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.
- B. For the purpose of this section, one type of manufactured housing is allowed in the shoreland zoning, which shall be those units commonly called "modular homes," or Type 2 manufactured homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

MARINA — A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

MARKET VALUE — The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MINERAL EXPLORATION — Hand sampling, test boring or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION — Any operation within any twelve-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed, away from the extraction site.

MINIMUM LOT WIDTH — The closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

MULTI-UNIT RESIDENTIAL — A residential structure containing three or more residential dwelling units.

NATIVE — Indigenous to the local forests.

NONCONFORMING CONDITION — A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this chapter or a subsequent amendment took effect.

NONCONFORMING LOT — A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the area, frontage or width requirements of the district in which it is located.

NONCONFORMING STRUCTURE — A structure which does not meet any one or more of the following dimensional requirements: setback, height, footprint or lot coverage; but which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONCONFORMING USE — Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONNATIVE INVASIVE SPECIES OF VEGETATION — Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGH-WATER LINE — That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.

OUTDOOR STORAGE — The commercial keeping or storage of goods, materials, motorized vehicles, boats/water recreational vessels/vehicles, trailers, temporary structures and any other equipment associated with the principal use of a building outside permanently or seasonally, for a fee.

PARKING DEFINITIONS

- A. **PARKING AREA** — An outdoor storage area for motor vehicles that is not located on a street right-of-way.
- B. **OFF-SITE PARKING LOT** — An outdoor storage area for motor vehicles that is located on a parcel or lot owned by a person or entity that is the same as the owner or lessor of the parcel or lot upon which the permitted use associated with the parking is located.
- C. **OFF-SITE PARKING SPACE** — A parking space within a parking area that is located on a parcel or lot owned by a person or entity other than the owner or lessor of the parcel or lot upon which the permitted use associated with the parking space is located.

PERSON — An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest or other legal entity.

PERSONAL CAMPSITE — An area of land that is not associated with a campground, but which: a) provides temporary accommodation for campers in a recreational vehicle, trailer or tent; b) is developed for repeated camping by only one group of not to exceed 10 individuals; and c) is used exclusively by the owner of the property and his/her immediate family. A personal campsite may involve site improvements that may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND

- A. **TEMPORARY** — Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.
- B. **PERMANENT** — Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

PRINCIPAL STRUCTURE — See "structure."

PRINCIPAL USE — A use other than one which is wholly incidental or accessory to another use on the same lot.

PUBLIC BOAT LAUNCHING FACILITY — Any facility made accessible for use by the general public and owned or operated by the Town of Raymond or the State of Maine, and designed for the launching and landing of watercraft. The facility may include an access ramp, docking area and parking spaces designed to accommodate vehicles and trailers.

PUBLIC FACILITY — Any facility, including, but not limited to, buildings, property, recreation areas and roads, which is owned, leased, or otherwise operated, or funded by a governmental body or public entity.

RECENT FLOODPLAIN SOILS — Recent floodplain soils include the following soil series as described and identified by the National Cooperative Soil Survey: alluvial; Cornish; Charles; Fryeburg; Hadley; Limerick; Lovewell; Medomak; Ondawa; Podunk; Rumney; Saco; Suncook; Sunday; Winooski.

RECREATIONAL FACILITY — A place designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities, excluding boat launching facilities.

RECREATIONAL VEHICLE — A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

REPLACEMENT SYSTEM — A system intended to replace:

- A. An existing system which is either malfunctioning or being upgraded, with no significant change of design flow or use of the structure; or
- B. Any existing overboard wastewater discharge.

RIPRAP — Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

RIVER — A free-flowing body of water including its associated floodplain and wetlands from that point at which it provides drainage for a watershed of 25 miles to its mouth. According to State of Maine information, the only river meeting the definition of a "river" is Panther Run.

ROAD — A term commonly used to describe a route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing materials constructed for or created by the repeated passage of motorized vehicles. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond Shoreland Zoning Ordinances, a road must comply with the standards set forth under the definition of "street" to be utilized for acceptable lot frontage or street front.

SAPLING — A tree species that is less than two inches in diameter at 4.5 feet above ground level.

SECONDARY ACCESS — Access routes, paths or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other nonprimary function to serve the lot. Such secondary access shall not meet the requirements or definition of a "driveway."

SEEDLING — A young tree species that is less than 4.5 feet in height above ground level.

SERVICE DROP — Any utility line extension which does not cross or run beneath any portion of a water body, provided that:

- A. In the case of electric service:
 - (1) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - (2) The total length of the extension is less than 1,000 feet.

B. In the case of telephone service:

- (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
- (2) The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

SETBACK — A line that is a required minimum distance from any lot line or right-of-way line that establishes the area within which principal and accessory buildings or structures must be erected or placed. Setbacks are measured from the nearest horizontal distance from lot lines, right-of-way lines, the normal high-water line of a water body or tributary stream, and the upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

SETBACK, FRONT — A line that is a required minimum distance from any front lot line or right-of-way line used as lot frontage and the nearest part of a structure, or other regulated object or area. For corner lots, the front setback shall apply to any lot line abutting a street or road.

SHORE FRONTAGE — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND BUFFER STRIP — A preserved vegetative strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond or river flowing to a great pond or within a strip extending 100 feet, horizontal distance, from any other water body, tributary stream or the upland edge of a wetland.

SHORELAND ZONE — The land area located within 600 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; or within an area designated on the Official Raymond Land Use Map as a Resource Protection, Stream Protection, Limited Residential/Recreation I or Limited Residential/Recreation II District.

SHORELINE — The normal high-water line, or upland edge of a wetland.

SOLAR ENERGY SYSTEM — A device or structural design feature principally used to capture solar energy and convert it to electrical or solar power to meet the energy needs of allowed residential uses on a lot, with any sale of energy to the power grid, or otherwise, limited to incidental excess power generation. A solar energy system consists of one or more freestanding ground-mounted, or building-mounted, solar arrays or modules, or solar-related equipment.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED — A solar energy system that is mounted to the roof or sides of a building.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED — A solar energy system that is structurally mounted to the ground and is not attached to a permitted building.

STORM-DAMAGED TREE — A tree that has been uprooted, blown down, is lying on the ground or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STREAM

- A. A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey to the point where the stream becomes a river or where a stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.
- (1) **OUTLET STREAM** — Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.
 - (2) **TRIBUTARY STREAM** — A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.
- B. This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

STREET — A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this chapter. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets," etc.

- A. **MINOR STREET** — A street designed to serve as primary residential access, and which meets the design standards for public streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- B. **PRIVATE STREET** — A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5, Street Design Standards, of the Town of Raymond Street Ordinance. Private streets are to be maintained by an owner, or ownership such as a homeowners' association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine professional engineer.

STRUCTURE

- A. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, subsurface wastewater disposal

systems as defined in 30-A M.R.S.A. § 4201, Subsection 5, geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subsection 3-C, wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subsection 8, or other similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, carports, patios, satellite dishes, communications systems, ground-mounted solar energy systems, building-mounted solar energy systems, antennas, pools, etc. Utility poles, wiring, and the aerial equipment normally associated with service drops, including guy wires and guy anchors, shall not be considered structures; however, they must meet the minimum required setbacks from the high-water mark of any pond, lake, stream or river.

B. Structure terms.

- (1) **PRINCIPAL STRUCTURE** — The structure in which the primary use of the lot is conducted.
- (2) **ACCESSORY STRUCTURE** — A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
- (3) Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven months in any period of 12 consecutive months.
- (4) Permanent piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that are not removed from the water annually.
- (5) **SINGLE-FAMILY DWELLING** — A structure containing not more than one dwelling unit.
- (6) **MULTIFAMILY DWELLING** — A structure containing two or more dwelling units.
- (7) In the Shoreland Zone, retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the conditions of § 350-6.3G are met.

SUBSTANTIAL START — Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM — Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping or any other fixture, mechanism or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system or any municipal or quasi-municipal sewer or wastewater treatment system.

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TINY HOME — A structure that does not exceed 400 square feet, excluding lofts, that has one or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not to be used as a tiny home or dwelling unit. A tiny home must meet all of the minimum requirements of a dwelling unit.

TREE — A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

NOTE: Water setback requirements apply to tributary streams within the Shoreland Zone.

UPLAND EDGE OF A WETLAND — The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

VEGETATION — All live trees, shrubs and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

VOLUME OF A STRUCTURE — The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WATER BODY — Any great pond, river or stream.

WATER CROSSING — Any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland, whether under, through or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WETLAND — A freshwater wetland. A forested wetland shall not be considered to be a wetland for the purposes of these shoreland zoning ordinance provisions.

A. **FORESTED WETLAND** — A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

B. **FRESHWATER WETLAND** —

(1) Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

(a) Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

- (b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
- (2) Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

WOODY VEGETATION — Live trees or woody, nonherbaceous shrubs.

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of Town of Raymond zoning and shoreland zoning ordinance amendments adopted since the publication of the codified ordinances and included in Chapters 300 and 350. The last legislation reviewed for the original publication of the codified ordinances was the adoption ordinance enacted at the December 13, 2022, Special Town Meeting.

§ DL-1. Disposition of legislation.

Adoption Date	Enactment	Subject	Disposition	Supp. No.
6-13-2023	ATM, Art. 26	Shoreland Zoning Amendment	§ 350-5.4; § 350-6.17; § 350-7.3; § 350-7.7; § 350-8.2	1
6-13-2023	ATM, Art. 27	Land Use Amendment	§ 300-13.3; § 300-9.21	1
6-13-2023	ATM, Art. 28	Land Use Amendment	§ 300-10.5	1
6-13-2023	ATM, Art. 29	Land Use Amendment	§ 300-9.22; § 300-12.2	1
6-13-2023	ATM, Art. 30	Zoning Map and Shoreland Zoning Map Amendments	NCM	1
6-13-2023	ATM, Art. 32	Land Use Amendment; Shoreland Zoning Amendment	§ 300-9.26; § 300-12.2; § 350-5.4; § 350-8.2	1
6-11-2024	ATM, Art. 28	Building Construction	Ch. 60	2
6-11-2024	ATM, Art. 29	Land Use Amendment; Shoreland Zoning Amendment	§ 300-9.26; § 300-12.2; § 350-6.27; § 350-8.2	2
6-11-2024	ATM, Art. 30	Land Use Amendment	§ 300-12.2; § 300-13.3	2
6-11-2024	ATM, Art. 31	Land Use Amendment	§ 300-9.27	2

Adoption Date	Enactment	Subject	Disposition	Supp. No.
6-11-2024	ATM, Art. 32	Land Use Amendment	§ 300-3.2; § 300-3.3; § 300-3.4; § 300-12.2	2
6-11-2024	ATM, Art. 33	Floodplain Management	Ch. 120	2
6-11-2024	ATM, Art. 34	Business Licenses	Ch. 65	2
6-11-2024	ATM, Art. 35	Shoreland Zoning Map Amendment	NCM	2
6-11-2024	ATM, Art. 36	Fire Protection	Ch. 100	2

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