

SPECIAL TOWN MEETING WARRANT

November 7, 2023

County of Knox

To: Randy Gagne, Constable of the Town of Camden, Maine

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Camden, required by law to vote in town affairs, to meet at Camden Public Safety Building, 31 Washington Street on Tuesday, November 7, 2023 at 8:00 a.m. in the forenoon to 8:00 p.m. in the afternoon to vote on Articles 1 through 5 at which time the meeting will adjourn. All said Articles being set out below, to wit:

ARTICLE 1

To elect a moderator to preside at said meeting.

ARTICLE 2

Shall the Town of Camden amend *Chapter 290, Zoning*, Article IV, Establishment of Districts, and Article VIII, District Standards to implement the **State-Mandated** Housing Opportunity Rules by increasing density on lots designated for residential use and by implementing an Affordable Housing Overlay Zone?

NOTE: These amendments will implement State-Mandated requirements of P.L. 2021, Chapter 672 (LD 2003), An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. This State-mandated law was focused on removing regulatory barriers to increase housing production in Maine, while attempting to preserve municipal ability to create land use plans and protect natural resources. This new law mandates that municipalities create or amend local ordinance to allow for: 1.) additional density for affordable housing developments in certain areas; 2.) multiple dwelling units on lots designated for residential use. These amendments ensure that the Town is in compliance with State law and allow for increased housing opportunities. A copy of the Law and the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

Planning Board Recommends: 5-0-0

Select Board Voted: 5 – 0-0

ARTICLE 3

Shall the Town of Camden amend Chapter 108, Harbor and Waterways Ordinance to require that if existing piers are damaged, require significant repair or replacement, they must be raised to a height of 8 feet above mean high water, if practicable, and be structurally reinforced and designed to mitigate risk of sea level rise, to regulate Land-Attached Floats and to amend the review process for piers and other structures; provided however, that the Moratorium Ordinance enacted on June 14, 2022 and extended multiple times by the Select Board, prohibiting the construction of new residential piers and other structures, with the exception of Land-Attached Floats in the Outer and Coastal Harbors, shall remain in full force and effect unless specifically displaced by the amendments proposed by this Article.

NOTE: The proposed ordinance amendments to Chapter 108, Harbor and Waterways address several of the issues identified in the Moratorium, and specifically relate to the following: land attached floats and the impacts of sea level rise on existing piers, when storm damage, significant repair or replacement is required. The Moratorium approved by voters and extended by the Select Board shall remain in full force except for the permitting and review of Land Attached Floats and the replacement or reconstruction of existing piers. These amendments implement some of the recommendations of the Harbor Committee. A copy of the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

Select Board Voted: 4-0-0

Article 4

Shall the Town of Camden amend *Chapter 290 Zoning*, to regulate Land-Attached Floats in Camden Harbor and to amend performance and construction standards for piers in the Outer and Coastal Harbors to address Sea Level Rise; provided however, that the Moratorium Ordinance enacted on June 14, 2022 and extended multiple times by the Select Board, prohibiting the construction of new residential piers and other structures, with the exception of Land-Attached Floats in the Outer and Coastal Harbors, shall remain in full force and effect

NOTE: The proposed ordinance amendments to Chapter 290, Zoning generally implement several of the recommendations of the Harbor Committee and, specifically relate to the following: land attached floats and the impacts of sea level rise on piers. The Moratorium approved by voters and extended by the Select Board shall remain in full force except for the permitting and review of Land Attached Floats and the replacement or reconstruction of existing piers. A copy of the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

Planning Board Recommends: 5-0-0

Select Board Voted: 4-0-0

ARTICLE 5

Shall the Town approve amendments to Article I Powers of the Town, Section 1.02 Town Meeting and Warrants, Article VI Financial Procedures, Section 6.02 Endowment Funds, 6.05 Select Board Action on Proposed Budget, and Section 6.06 Town Vote on the Budget of the Town Charter?

NOTE: The purpose of these Charter amendments are to: (1) Remove the election of Budget Committee members from Article I to be consistent with past Charter amendments to Article VI Financial Procedures; (2) Remove mention of the Endowment Fund from the Budget Format as it conflicts with how the Endowment Funds are managed, as specified in Trust Documents; (3) Reorganize how the Select Board meets and deliberates on the budget to be consistent with Town Meeting Warrant public hearing and meetings; and, (4) Clarify that both the recommendations of the Budget Committee and Select Board will be on the ballot and that voters will be asked to approve the bottom-line revenue and expense numbers recommended by the Select Board.

Select Board Voted:

The Select Board gives notice that the Registrar of Voters will be in session at the Camden Town Office for the purpose of accepting and correcting the voting list during regular business hours Monday through Friday 8:00 a.m. – 3:30 p.m. and at the polls Tuesday, November 7 2023, from 8:00 a.m. – 8:00 p.m. You must be a Camden registered voter to vote in any election.

Given under our hands this 5th day of September 2023.

CAMDEN SELECT BOARD

Thomas Hedstrom, Chairperson



Stephanie French, Vice-Chairperson



Sophie Romana



Alison McKellar



Christopher Nolan

A True Attest Copy: Katrina Oakes
Katrina Oakes, Town Clerk

RETURN

I certify that I have notified the Voters of Camden of the time and place of the Town of Camden Special Town Meeting, November 7, 2023, by posting an attested copy of the Notice of Warrants at the Camden Public Safety Building, Camden Town Office, Camden Public Library, and the Camden Post Office on _____, _____, 2023.

Randy Gagne, Constable

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To Katrina Oakes, Clerk:

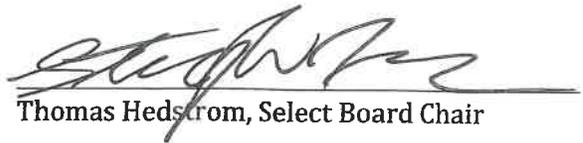
Article 2:

Shall the Town of Camden amend *Chapter 290, Zoning, Article IV, Establishment of Districts, and Article VIII, District Standards* to implement the **State-Mandated** Housing Opportunity Rules by increasing density on lots designated for residential use and by implementing an Affordable Housing Overlay Zone?

NOTE: These amendments will implement State-Mandated requirements of P.L. 2021, Chapter 672 (LD 2003), An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. This State-mandated law was focused on removing regulatory barriers to increase housing production in Maine, while attempting to preserve municipal ability to create land use plans and protect natural resources. This new law mandates that municipalities create or amend local ordinance to allow for: 1.) additional density for affordable housing developments in certain areas; 2.) multiple dwelling units on lots designated for residential use. These amendments ensure that the Town is in compliance with State law and allow for increased housing opportunities. A copy of the Law and the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

This is being presented to the voters for their consideration at secret ballot voting on Tuesday, November 7, 2023 Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 5, 2023


Thomas Hedstrom, Select Board Chair

PROPOSAL to AMEND CAMDEN CODE of ORDINANCES at CHAPTER § 290 ZONING

1) **AMEND ARTICLE VIII DISTRICT REGULATIONS by CREATING A NEW OVERLAY DISTRICT:**

§ 290-8.17 Affordable Housing Overlay Zone (AHOZ)

A. Purpose.

To create overlay districts intended to provide additional opportunities for the construction of affordable housing pursuant to the State of Maine's Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule, while assuring the continued provision of compact, pedestrian-oriented, livable development that fits with the existing scale and character of the neighborhood in which it is located.

B. Definitions.

AFFORDABLE HOUSING DEVELOPMENT (RENTAL UNITS):

A development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development (HUD), can afford a majority (more than half of proposed and existing units on the same lot) of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

AFFORDABLE HOUSING DEVELOPMENT (OWNERSHIP UNITS):

A development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development (HUD) can afford a majority (more than half of proposed and existing units on the same lot) of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

BASE DENSITY:

The maximum number of dwelling units allowed on a lot not used for affordable housing based on dimensional requirements in local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

DESIGNATED GROWTH AREA:

An area that is designated in the Town's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed.

DWELLING UNIT:

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet, and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the

time-period rented. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of less than seven (7) consecutive days.

HOUSING COSTS:

Include, but are not limited to:

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

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.

LONG-TERM AFFORDABILITY:

Required for a majority (more than 50%) of the units of all affordable housing developments and is enforced by the town. The property owner of the affordable housing development, either as a rental or as an owned property, must maintain "affordability" of a majority of the units for at least thirty (30) years after completion of construction. An "affordable housing development", as defined in this section, must be maintained by a restrictive covenant enforceable by a party acceptable to the town. The covenant must be recorded with the Knox County Registry of Deeds prior to the granting of a certificate of occupancy or other final approval of an affordable housing development.

MULTIFAMILY DWELLING:

One or more buildings used for residential occupancy by more than two families, each living independently of the other.

RESTRICTIVE COVENANT: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

C. Enforcement and Monitoring of Long- Term Affordability

The owner(s) of affordable housing development(s) are required to maintain the long-term (at least 30 years) affordability of more than 50% of a proposed affordable housing development. Owners of such developments are required to submit to the Town of Camden an *Annual Compliance Report* form certifying compliance with all requirements of Long-Term Affordability.

A restrictive covenant providing for long-term affordability for a minimum of 30 years for proposed affordable housing developments must be recorded with the Knox County Registry of Deeds after project approval by the Planning Board and before the granting of a Certificate of Occupancy by the town's Planning and Development Department.

D. Increased Dwelling Unit Allowances for Affordable Housing Developments

1. Affordable housing developments are permitted only within the following zoning districts found below in Table 1. Proposed affordable housing developments shall meet all requirements of this section, as well as those of the applicable individual zoning

districts described in Chapter 290 Article VIII District Standards. When a conflict exists between requirements of this section and another, with regards to permitted densities, the less stringent or more permissive shall prevail:

Table 1:

<u>Multifamily Zoning Districts Within the AHOZ</u>	<u>Public Water & Sewer Required?</u>	<u>* Minimum Lot Area Per Dwelling Unit at 2.5 x Base Density</u>	<u>Parking Requirements</u>
<u>VE- Village Extension (Open Space Subdivision)</u>	<u>Yes</u>	<u>Public sewer: 2 dwelling units per 5,000 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>V- Traditional Village</u>	<u>Yes</u>	<u>2 dwelling units per 5,000 sq. ft</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-1 Downtown Business</u>	<u>Yes</u>	<u>State minimum sq. ft. for dwelling unit</u>	<u>Exempt</u>
<u>B-2 Highway Business</u>	<u>Yes</u>	<u>2 dwelling units per 7,500 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-3 Traditional Business</u>	<u>Yes</u>	<u>2 dwelling units per 7,500 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-4 Neighborhood Service</u>	<u>Yes</u>	<u>2 dwelling units per 7,500 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-R River Business</u>	<u>Yes</u>	<u>2 dwelling units per 1,500 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-H Harbor Business</u>	<u>Yes</u>	<u>2 dwelling units per 1,500 sq. ft.</u>	<u>No more than two (2) off-street parking spaces for every three (3) dwelling units.</u>
<u>B-TH Transitional Harbor Business</u>	<u>Yes</u>	<u>2 dwelling units per 1,500 sq. ft.</u>	<u>Exempt</u>

*Density bonus (2.5 times the base density, rounded down) awarded if proposed meets all applicable standards of this section, the state minimum lot size, shoreland zoning area standards, subdivision ordinance, as well as all other applicable individual zoning district standards as provided for in the Zoning Ordinance.

2. Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - a. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - b. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
 - c. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
3. Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the town must require that the owner of the affordable housing development (i) execute a restrictive covenant that is enforceable by a party acceptable to the Town; and (ii) record the restrictive covenant with the Knox County Registry of Deeds to ensure the development maintains long term affordability by requiring that a majority (more than 50%) of the units meet the definition of affordability for at least thirty (30) years after completion of construction.

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

For ownership 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.
4. Off-street parking for affordable housing development, except those located within B-1 and B-TH zoning districts, shall be at a rate of two (2) parking spaces for every three (3) dwelling units. Affordable housing developments shall meet all other requirements of Article XA Off-street Parking and Loading Standards. Where any conflict exists between ordinances regulating off-street parking, the less stringent shall apply to affordable housing developments.

E. Screening

Multifamily uses abutting a single-family residential use on a separate lot of record or district shall provide screening in accordance with the standard 290-10A.4 of this Chapter.

F. Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, 290-10.2 of this Chapter.

G. Historic Areas

Properties within historic areas shall comply with the additional standards set forth in Article X, 290-10.4 of this Chapter.

H. Application and Implementation

Affordable housing development project owner or developer shall notify the Director of Planning and Development Office that they intend to apply for an Affordable housing development building permit.

and 2) AMEND ARTICLE XI OPEN SPACE ZONING:

§ 290-9.1 Purpose.

The purpose of this article is, within rural areas of Camden, to maintain the rural, natural, and scenic qualities of the Town and, within developing areas, to provide for flexibility in the design of open space residential development. [Amended 6-20-2007]

§ 290-9.2 Applicability.

[Amended 6-20-2007]

- A. Rural-1, Rural-2, and Coastal Residential Districts. The provisions of this article shall be mandatory for residential subdivisions with three or more lots, or for condominiums or cooperative ownership projects on one lot with three or more dwelling units that are located in the Rural-1, Rural-2, or Coastal Residential Districts. These provisions are not mandatory for lots within subdivisions that are located in other districts: or for lots proposed as part of an Affordable Housing Development.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1489 - L.D. 2003

**An Act To Implement the Recommendations of the Commission To Increase
Housing Opportunities in Maine by Studying Zoning and Land Use
Restrictions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §13056, sub-§7, as amended by PL 2003, c. 159, §3, is further amended to read:

7. Contract for services. When contracting for services, to the maximum extent feasible, seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

Sec. 2. 5 MRSA §13056, sub-§8, as enacted by PL 2003, c. 159, §4, is amended to read:

8. Lead agency for business assistance in response to certain events. Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002); ~~and~~

Sec. 3. 5 MRSA §13056, sub-§9 is enacted to read:

9. Establish statewide housing production goals. Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:

A. Establish measurable standards and benchmarks for success of the goals;

B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing; and

C. Consider any other information as necessary to meet the goals pursuant to this subsection.

Sec. 4. 30-A MRS §4364 is enacted to read:

§4364. Affordable housing density

For an affordable housing development approved on or after July 1, 2023, a municipality with density requirements shall apply density requirements in accordance with this section.

1. Definition. For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area 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 median income for the area 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.

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

3. Long-term affordability. Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of 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

B. For owned housing, occupancy of all of 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.

4. Shoreland zoning. An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

5. Water and wastewater. The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

A. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

B. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

D. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

6. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

7. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

8. Rules. The Department of Economic and Community Development shall adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. The rules must include criteria for a municipality to use in calculating housing costs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 30-A MRS §4364-A is enacted to read:

§4364-A. Residential areas, generally; up to 4 dwelling units allowed

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

2. Zoning requirements. With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.

A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results.

3. General requirements. A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

4. Water and wastewater. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:

A. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

B. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

D. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

5. Municipal implementation. In adopting an ordinance, a municipality may:

A. Establish an application and permitting process for housing structures;

B. Impose fines for violations of building, zoning and utility requirements for housing structures; and

C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

6. Shoreland zoning. A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

8. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

9. Rules. The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023.

Sec. 6. 30-A MRS §4364-B is enacted to read:

§4364-B. Accessory dwelling units

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.

2. Restrictions. An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit on the lot;

B. Attached to or sharing a wall with a single-family dwelling unit; or

C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.

4. General requirements. With respect to accessory dwelling units, municipalities shall comply with the following conditions.

A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.

C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

6. Size requirements. An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.

7. Water and wastewater. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

A. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;

B. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

D. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

8. Municipal implementation. In adopting an ordinance under this section, a municipality may:

- A. Establish an application and permitting process for accessory dwelling units;
- B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
- C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

9. Rate of growth ordinance. A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.

10. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

11. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

12. Rules. The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

13. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023.

Sec. 7. 30-A MRSA §4364-C is enacted to read:

§4364-C. Municipal role in statewide housing production goals

This section governs the responsibilities and roles of municipalities in achieving the statewide and regional housing production goals set by the Department of Economic and Community Development in Title 5, section 13056, subsection 9.

1. Fair housing and nondiscrimination. A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.

2. Municipalities may regulate short-term rentals. A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.

Explanatory Statement:

The following amendments were developed to comply with the State mandate to increase housing density. Under PL 2001 CH 672 (LD2003) signed into law by Governor Mills, towns are required to increase density based on a community's current zoning requirements and standards. These standards are the tools that help Camden maintain the character of each district by allowing limits on height, footprint and setbacks from property lines. These standards are contained in the Space and Bulk Table of each district in Camden and are included here for reference. The intention of this somewhat lengthy document is to provide sufficient information so voters can put into context the kinds of guarantees that will remain in place that continue to protect the character of neighborhoods even as development occurs.

PROPOSAL TO AMEND CAMDEN CODE of ORDINANCES CHAPTER §290

1) AMEND ARTICLE IV: ESTABLISHMENT OF DISTRICTS

§ 290-4.2 Zoning districts.

[Amended 11-11-2008; 6-9-2015; 7-14-2020]

- A. The Town is divided into the following districts, as shown by the district boundary lines on the Official Zoning Map:
- B. In addition, there are established three overlay areas, which, in addition to the standards of the zoning districts they overlay, are governed by performance standards set forth in Article X, §§ 290-10.2 to 290-10.4. The overlay areas address shoreland areas, high-elevation areas, and historic areas.
- C. ~~An~~ There are two additional overlay zones, the Affordable Housing Overlay Zone (AHOZ) and the Business Opportunity Zone (BOZ); ~~The BOZ~~ is subject to the standards found in Article XII, § 290-12.6L, which may be used in lieu of the current zoning for Zoning Districts B-2, B-3, B-4 and B-R.

2) AMEND ARTICLE VIII: DISTRICT STANDARDS 8.2, 8.3, 8.5, 8.6, 8.7, 8.99 – 8.13, and 8.15

§ 290-8.1 Natural Resource Protection District (RP).

There are no changes proposed to this District.

§ 290-8.2 Rural 1 District (RU-1).

- A. Purpose. The Rural 1 District includes lands with multiple natural resource constraints; and/or that are especially important for their recreational, scenic, or other resource-based opportunities, including farming and woodlands; and/or that are especially important for long-term protection of water quality. The purpose of this district is to allow a level of development and activity consistent with the protection of the natural features of these lands.
- E. Standards.
 - (b) For all other lots, the following space and bulk standards shall apply:

[Amended 7-14-2020]

Type of Use	Requirement
Minimum lot area	
Residential	60,000 square feet
Nonresidential	60,000 square feet
Minimum lot area per dwelling unit	60,000 <u>20,000</u> square feet
Accessory apartment	No increase in lot area required
Minimum street frontage	
Residential	150 feet
Nonresidential	150 feet
Minimum setbacks	
Residential and nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet
Maximum building coverage	10%
Maximum ground coverage, shoreland area	20%
Maximum building or structure height	
Residential	30 feet
Nonresidential	40 feet
Minimum distance between principal buildings on same lot	30 feet

§ 290-8.3 Rural 2 District (RU-2).

A. Purpose. The Rural 2 District includes lands that are distant from the village area; and/or to which public water and sewer lines are not expected to be extended within the next 10 years; and/or that have large tracts of land intact, suitable for woodland production, farming, and unbroken wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character and traditional use of rural lands, including extensive areas of field and woodland, and that does not impose an undue burden on the provision of municipal services.

E. Standards. **[Amended 7-14-2020]**

Type of Use	Requirement
Minimum lot area	
Residential	60,000 square feet
Nonresidential	60,000 square feet
Minimum lot area per dwelling unit	60,000 <u>20,000</u> square feet
Accessory apartment	No increase in lot area required

Type of Use	Requirement
Minimum street frontage	
Residential	150 feet
Nonresidential	150 feet
Minimum setbacks	
Residential and nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yards for nonresidential use abutting a residential use	25 feet
Maximum building coverage	10%
Maximum ground coverage, shoreland area	20%
Maximum building or structure height	
Residential	30 feet
Nonresidential	40 feet
Minimum distance between principal buildings on same lot	30 feet

§ 290-8.4 Rural Recreation District (RR).

No changes are proposed for this District.

§ 290-8.5 Coastal Residential District (CR).

A. Purpose. The Coastal Residential District includes lands along scenic coastal corridors north and south of the village area. The purpose of the district is to allow for a moderate level of residential and other development while assuring that these corridors retain their scenic landscapes and vistas and continue to serve as attractive gateways to Camden. The intention is that development be designed to fit into the existing character that includes rolling terrain and interspersed woods, fields, structures, and views of the water.

E. Standards.

(b) For all other lots, the following space and bulk standards shall apply: [Amended 7-14-2020]

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	30,000 square feet	40,000 square feet
Nonresidential	30,000 square feet	40,000 square feet
Minimum lot area per dwelling unit	30,000 10,000 square feet	40,000 20,000 square feet
Accessory apartment	No increase in lot area required	No increase in lot area required
Minimum street frontage		
Residential	100 feet	150 feet
Nonresidential	100 feet	150 feet

Type of Use	Sewer	No Sewer
Minimum setbacks		
Residential and nonresidential		
Front	25 feet	25 feet
Side	15 feet	25 feet
Back	15 feet	25 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Private residential treatment facility		
Front	100 feet	100 feet
Side	50 feet	50 feet
Back	25 feet	25 feet
Maximum building coverage	20%	20%
Maximum ground coverage, shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet

§ 290-8.6 Village Extension District (VE).

- A. Purpose. The Village Extension District lies outside of the traditional village but includes lands that have or can reasonably be expected to receive within the next 10 years, public water and sewer; can be readily provided with other municipal services; and can support a significant share of the new development anticipated in the Town during the next 10 years to 15 years. The purpose of the district is to provide a range of housing opportunities and of compatible, small-scale economic opportunities. The intent is to do so within a setting that emulates the character of villages: with streets designed for safe and convenient use by both pedestrians and motor vehicles and at a scale appropriate for walkable neighborhoods; a mix of activities that serve some of the routine needs of neighborhood residents; and a sense of security and protected investments.
- B. Permitted uses. The following uses are permitted in the Village Extension District:
- (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (3) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Open space residential developments that meet the standards of Article IX.

(d) Mobile home parks.

(e) Accessory apartments.

(f) Multifamily dwellings. [Added 6-14-2022]

(g) Multifamily dwellings as part of an Affordable Housing Development. See Section 8.17.

(2) The following space and bulk standards shall apply: [Amended 11-15-2005; 6-14-2022]

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	20,000 square feet
Nonresidential	10,000 square feet	40,000 square feet
Minimum lot area per dwelling unit		
Single-family (<u>with no existing dwelling unit, may allow up to 4 dwelling units</u>)	10,000 <u>2,500</u> square feet	20,000 square feet
<u>Single-family (with one existing dwelling unit, may allow up to 2 additional dwelling units)</u>	<u>3,333 square feet</u>	<u>20,000 square feet</u>
Accessory apartments	No increase in lot area required (see definition)	20,000 square feet
Two-family dwellings	No increase in lot area required <u>2,500 square feet</u>	20,000 square feet
Multifamily dwellings (as part of open space subdivisions)	5,000 square feet	Not permitted
<u>Multifamily dwellings (as part of an Affordable Housing Development)</u>	<u>See Section 8.17</u>	<u>Not permitted</u>
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential		
Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this chapter	50 feet, and the average for all lots in the subdivision is between 75 feet and 90 feet	100 feet
Other lots	75 feet	100 feet
Nonresidential	75 feet	100 feet
Minimum setbacks		
Residential		
Front	15 feet, except where the following lots with existing	25 feet

Type of Use

Sewer

No Sewer

buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.

Side

10 feet, provided the sum of both side yards is at least 30 feet, however, any structure that has a side setback of less than 10 feet shall have a setback requirement of 15 feet on each side

15 feet

Back

15 feet

15 feet

Normal high-water mark

See Article X, § 290-10.2M(10)

See Article X, § 290-10.2M(10)

Nonresidential

Type of Use	Sewer	No Sewer
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum building coverage	25%	25%
Maximum ground coverage		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet
Maximum building coverage	25%	10%
Maximum ground coverage		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet
* Subject to E(4) below		

§ 290-8.7 Traditional Village District (V).

A. Purpose. The Traditional Village District encompasses the older residential neighborhoods near the center of the community, where historically a majority of the Town's population lived within walking distance of the central business district and governmental and cultural facilities. The purpose of this district is to maintain these highly livable neighborhoods, which include single-family homes, small-scale multifamily structures, compatible residential-scale businesses, and a distinct village design.

(2) The following space and bulk standards shall apply: [Amended 11-15-2005; 6-14-2022]

Type of Use	Requirement
Minimum lot area	
Residential	10,000 square feet
Nonresidential	10,000 square feet
Minimum lot area per dwelling unit	
Single-family	10,000 <u>3,333</u> square feet
Accessory apartments	No increase in lot area required (see definition)
Two-family dwellings	No increase in lot area required <u>3,333 square feet</u>
Multifamily dwellings	5,000 square feet <u>3,333 square feet</u>
<u>Multifamily dwellings (as part of an Affordable Housing Development)</u>	<u>See Section 8.17</u>
Congregate housing	3,000 square feet
Minimum street frontage	
Residential	75 feet
Nonresidential	75 feet
Minimum setbacks	
Residential	
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each side of the subject lot and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal

Type of Use	Requirement
Side	building unless that actual setback is greater than the maximum setback. 10 feet, provided the sum of both side yards is at least 25 feet; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Nonresidential	
Front	Same as residential
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet
Maximum building coverage	25%
Maximum ground coverage	
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%
Maximum building or structure height	
Residential	30 feet
Nonresidential	30 feet
Lots on which public schools existed as of 2017	38 feet
Minimum distance between principal buildings on same lot	30 feet

§ 290-8.8 Downtown Business District (B-1).

- A. Purpose. The purpose of the Downtown Business District is to provide for a compact, pedestrian-oriented, year-round business center with a focus on small-scale specialty and comparison shopping and services compatible with the existing scale and character of downtown Camden.

There are no changes proposed to this District.

§ 290-8.9 Highway Business District (B-2).

- A. Purpose. The purpose of the Highway Business District is to provide an area suitable for highway-oriented businesses at a moderate density.
- E. Standards.

(2) The following space and bulk standards shall apply:

Type of Use	Sewer	No sewer
Minimum lot area		
Residential	10,000 square feet	40,000 square feet
Nonresidential	20,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 <u>3,333</u> square feet	40,000 <u>20,000</u> square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 <u>3,333</u> square feet	40,000 <u>20,000</u> square feet
Multifamily dwellings	7,500 <u>3,333</u> square feet	Not permitted
<u>Multifamily dwellings (as part of an Affordable Housing Development)</u>	<u>See Section 8.17</u>	<u>Not permitted</u>
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		
Front	25 feet	25 feet
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Minimum setbacks		
Nonresidential		
Front	20 feet	20 feet
Side	20 feet	20 feet
Back	20 feet	20 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential district	50 feet	50 feet
Maximum building coverage		
Residential	25%	20%
Nonresidential	30%	30%
Maximum ground coverage, shoreland area		
General	None	None
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

§ 290-8.10 Transitional Business District (B-3).

A. Purpose. The Transitional Business District is meant to accommodate limited business uses in areas that are located along main traffic arteries but are residential in character. The explicit purpose of this district includes the prevention of strip highway development and the preservation of the character and appearance of established residential neighborhoods.

E. Standards.

(2) The following space and bulk standards shall apply: [Amended 6-15-2010]

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	40,000 square feet
Nonresidential	20,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 <u>3,333</u> square feet	40,000 <u>20,000</u> square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 <u>3,333</u> square feet	40,000 <u>20,000</u> square feet
Multifamily dwellings	7,500 <u>3,333</u> square feet	Not permitted
Multifamily (as part of an Affordable Housing Development)	<u>See Section 8.17</u>	<u>Not permitted</u>
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each	25 feet

Type of Use	Sewer	No Sewer
	<p>side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.</p>	
Side	<p>10 feet provided the sum of both side yards is at least 25 feet; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side.</p>	<p>15 feet</p>
Back Normal high-water mark	<p>15 feet See Article X, § 290-10.2M(10)</p>	<p>15 feet See Article X, § 290-10.2M(10)</p>
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet

Type of Use	Sewer	No Sewer
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum building coverage		
Residential	25%	20%
Nonresidential	30%	30%
Maximum building coverage		
Residential	25%	25%
Nonresidential	30%	30%
Maximum ground coverage		
Residential	None, provided that the area between the front property line and the wall of the building structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Nonresidential	None, provided that the area between the front property line and the wall of the building structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Shoreland Area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet

§ 290-8.11 Neighborhood Service District (B-4).

A. Purpose. The Neighborhood Service District is meant to accommodate limited business uses

in areas that are residential in character. The explicit purpose of this district is to preserve the character and appearance of established residential neighborhoods and to help foster the development of new neighborhoods while permitting limited, small scale commercial activities oriented to the neighborhoods.

E. Standards.

(2) The following space and bulk standards shall apply: [Amended 6-14-2022]

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	30,000 square feet
Nonresidential	10,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 3,333 square feet	30,000 20,000 square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 3,333 square feet	10,000 20,000 square feet
Multifamily dwellings	7,500 3,333 square feet	Not permitted
<u>Multifamily dwellings (as part of an Affordable Housing Development)</u>	<u>See Section 8.17</u>	<u>Not permitted</u>
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		
Front setback	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the	25 feet

Type of Use	Sewer	No Sewer
	<p>subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.</p>	
<p>Back setback Normal high-water mark</p>	<p>15 feet See Article X, § 290-10.2M(10)</p>	<p>15 feet See Article X, § 290-10.2M(10)</p>
<p>Nonresidential</p>		
<p>Front</p>	<p>Same as residential</p>	<p>Same as residential</p>
<p>Side</p>	<p>15 feet</p>	<p>15 feet</p>
<p>Back</p>		
<p>Normal high-water mark</p>	<p>See Article X, § 290-10.2M(10)</p>	<p>See Article X, § 290-10.2M(10)</p>
<p>Side and back yard for nonresidential use abutting a residential use</p>	<p>25 feet</p>	<p>25 feet</p>
<p>Maximum building coverage</p>		
<p>Residential</p>	<p>25%</p>	<p>20%</p>
<p>Nonresidential</p>	<p>30%</p>	<p>30%</p>
<p>Maximum ground coverage</p>		
<p>General</p>	<p>None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking</p>	<p>None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking</p>
<p>Shoreland area Maximum building or structure height</p>	<p>20%</p>	<p>20%</p>

Type of Use	Sewer	No Sewer
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet

§ 290-8.12 Harbor Business District (B-H).

A. Purpose. The purpose of the Harbor Business District is to preserve and maintain for the citizens of Camden the character of Camden Harbor, including its scenic value and views from the land, its accessibility to the public, and its economic value for functionally water-dependent uses.

(2) The following space and bulk standards shall apply: [Amended 6-17-2008]

Type of Use	Requirement
Minimum lot area	20,000 square feet
Minimum lot area per dwelling unit	
Single-family	1,500 500 square feet
Two-family dwellings	1,500 500 square feet
Multifamily dwellings	1,500 500 square feet
<u>Multifamily dwellings (as part of an Affordable Housing Development)</u>	<u>See Section 8.17</u>
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
From the Harbor line per Zoning Map B	15 feet, except 60 feet for buildings or structures over 24 feet high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water-dependent uses
From the mean high waterline of the Outer Harbor	40 feet
Side and back yard for nonresidential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor.
Maximum building coverage	
General	100%, subject to the requirements in Article VIII, § 290-8.12E(3), for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the Inner Harbor	10% or 12,000 square feet of the lot, whichever is less.
Minimum distance between buildings	200 feet between buildings over 24 feet high on lots abutting the inner harbor; provided, however, that there shall be no minimum

Type of Use

Requirement

Maximum ground coverage

distance between a building over 24 feet high and a building whose height is 24 feet or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.

The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, § 290-8.12E(3)

Maximum building or structure height
General (except as stated below)
Residential uses at street level and inns

24 feet

30 feet, plus 4 feet if all roof areas above 16 feet have a pitch of 5 in 12 or greater

Nonresidential buildings of 1 story, used exclusively for construction, storage or repair of boat or ships

On lots abutting the Inner Harbor

32 feet

On lots abutting the Outer Harbor

40 feet

Temporary structures for functionally water-dependent uses (other than such structures enclosing vessels under construction or repair) which are located within the 15-foot setback from the Harbor line

Maximum height

14 feet

Maximum lot coverage of temporary structure

150 square feet

Temporary structures for functionally water dependent uses employed only to enclose vessels under construction or repair

Maximum height

7 feet above the highest point of vessel, calculated without reference to mast and incidental protrusions

Maximum building coverage

Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length including 4 feet beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional space and bulk standards.

(6) Residential use. The following standards are intended to enhance the economic vitality of the district by creating an incentive to improve marine facilities and an opportunity to fund such improvements through limited residential development. Residential use is prohibited except as follows: [Added 6-17-2008; amended 6-12-2012]

- (a) Residential use is permitted, within 180 feet of the front property line on Atlantic Avenue, except on a floor at street level, provided all chapter requirements are met. The street-level space shall be fully enclosed and conditioned with a minimum ceiling height of seven feet six inches. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal requirements.
- (b) Residential use is permitted at street level at a distance of more than 276 feet from the Harbor line, provided two square feet of marine building coverage is constructed for each square foot of residential building coverage. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal standards.

§ 290-8.13 River Business District (B-R).

A. Purpose. The purpose of the River Business District is to provide for the maintenance, development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity. It is intended that development and redevelopment proceed in a way that respects and maintains the environmental and scenic qualities of the river.

E. Standards.

(2) The following space and bulk standards shall apply: [Amended 11-5-2013]

Type of Use	Requirement
Minimum lot area	
Residential	None
Nonresidential	None
Minimum lot area per dwelling unit	
Single-family	5,000 1,666 square feet
Two-family dwellings	5,000 1,666 square feet
Multifamily dwellings	1,500 1,666 square feet
Congregate housing	Not permitted
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
Normal high-water mark	
Parking lots and paved surfaces	75 feet
Structures	30 feet
Side and back yard for nonresidential use abutting a residential district or a lot wholly or partially in residential use	25 feet
Maximum building coverage	70%
Maximum ground coverage	70%
Maximum building or structure height	
Residential	40 feet
Nonresidential	40 feet
Minimum distance between principal	15 feet

Type of Use	Requirement
buildings on same lot	
(3)	

§ 290-8.14 Industrial District (I).

There are no changes proposed to this District.

§ 290-8.15 Transitional Harbor Business District (B-TH).
[Added 6-20-2006]

A. Purpose. The purpose of the Transitional Harbor Business District is to provide a transition between the Inner Harbor retail district and the residential neighborhood of the Outer Harbor while preserving and maintaining the character, scenic value, accessibility and economic value for functionally water-dependent uses in Camden Harbor.

E. Standards.

(2) The following space and bulk standards shall apply:

Type of Use	Requirement
Minimum lot area	20,000 square feet
Minimum lot area per dwelling unit	
Single-family	1,500 500 square feet
Two-family dwellings	1,500 500 square feet
Multifamily dwellings	1,500 500 square feet
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
From the Harbor line per Zoning Map B	15 feet, except 60 feet for buildings or structures over 24 feet high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the Harbor line in order to accomplish or support functionally water-dependent uses
From the mean high waterline of the Outer Harbor	40 feet
Side and back yard for nonresidential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in Inner Harbor
Maximum building coverage	
General	100%, subject to the requirement in Article VIII, § 290-8.12E(3), for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the Inner Harbor	10% or 12,000 square feet of the lot, whichever is less
Minimum distance between buildings	200 feet between buildings over 24 feet high on

Type of Use

Requirement

	lots abutting the Inner Harbor; provided, however, that there shall be no minimum distance between a building over 24 feet high and a building whose height is 24 feet or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
Maximum ground coverage	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, § 290-8.12E(3)
Maximum building or structure height	
General (except as stated below)	24 feet
Nonresidential buildings of 1 story, used exclusively for construction, storage or repair of boat or ships	
On lots abutting the Inner Harbor	32 feet
On lots abutting the Outer Harbor	40 feet
Temporary structures for functionally water dependent uses (other than such structures enclosing vessels under construction or repair) which are located within the 15 feet setback from the Harbor line	
Maximum height	14 feet
Maximum lot coverage of temporary structures	150 square feet
Temporary structures for functionally water-dependent uses employed only to enclose vessels under construction or repair	
Maximum height	7 feet above the highest point of vessel, calculated without reference to mast and incidental protrusions
Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length, including 4 feet beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

§ 290-8.16 Business Opportunity Zone (BOZ).

There are no changes proposed to this District

MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]

To Katrina Oakes, Clerk:

Article 3:

Sall the Town of Camden amend Chapter 108, Harbor and Waterways Ordinance to require that if existing piers are damaged, require significant repair or replacement, they must be raised to a height of 8 feet above mean high water, if practicable, and be structurally reinforced and designed to mitigate risk of sea level rise, to regulate Land-Attached Floats and to amend the review process for piers and other structures; provided however, that the Moratorium Ordinance enacted on June 14, 2022 and extended multiple times by the Select Board, prohibiting the construction of new residential piers and other structures, with the exception of Land-Attached Floats in the Outer and Coastal Harbors, shall remain in full force and effect unless specifically displaced by the amendments proposed by this Article.

NOTE: The proposed ordinance amendments to Chapter 108, Harbor and Waterways address several of the issues identified in the Moratorium, and specifically relate to the following: land attached floats and the impacts of sea level rise on existing piers, when storm damage, significant repair or replacement is required. The Moratorium approved by voters and extended by the Select Board shall remain in full force except for the permitting and review of Land Attached Floats and the replacement or reconstruction of existing piers. These amendments implement some of the recommendations of the Harbor Committee. A copy of the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

This is being presented to the voters for their consideration at secret ballot voting on Tuesday, November 7, 2023 Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 5, 2023



Thomas Hedstrom, Select Board Chair

Proposed Amendments to Chapter 108 Harbor and Waterways to facilitate the general recommendations of the Harbor Committee and the Planning Board, while also continuing the Moratorium as it relates to new residential piers and other structure except for land-attached floats.

1. Chapter 108 Article II, Definitions, § 108-5 amended to add definition of Land-attached Floats.

LAND-ATTACHED FLOATS – A system consisting of a ramp with an attached location on land or real property, which connects to and/or serves as access to a moored float in the Outer or Coastal Harbor.

2. Chapter 108 Article VI - Title Heading Article amended to add Land-Attached Floats.

Article VI Regulations Concerning Construction of Piers, Wharves, Breakwaters, Bulkheads, Landfill and Land-Attached Floats.

3. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) (2.) amended to change height from 6' to 8'

C. (2.) The height of the pier walkway shall not exceed ~~six~~-eight feet above mean high water.

4. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) (8) amended to add Land-Attached Floats and delete "requiring a permit."

(C) (8.) No piers, wharves, pilings, bulkheads, marine railways, mobile vessel hoists, Land-Attached Floats or any structure ~~requiring a permit~~ shall be constructed within that area of Sherman Cove which lies northerly of a line commencing at a point on the shore where the northerly line of Marine Avenue intersects the Harbor waters to a point on the easterly shore of the cove where the northerly line of Sherman Point Road intersects the Harbor line

5. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) amended to add a new (11.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.

(11.) In the event of storm damage, significant repair or replacement of existing piers, they shall be raised to a height eight feet above mean high water, if practicable, and structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge, and designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, "storm damage" or "significant repair" shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.

6. Chapter 109 Article VI, § 108-25 Coastal Harbor amended to add Land-Attached Floats and delete "requiring permit"

§ 108-25 Coastal Harbor.

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, Land-Attached Floats or any structure requiring a permit shall be permitted in the Coastal Harbor except as permitted below.

- 7. Chapter 108 Article VI, § 108-25 Coastal Harbor (C.) amended to add a new (4.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.**

(4.) In the event of storm damage, significant repair, or replacement of existing piers, they shall be raised to a height of eight feet above mean high water, if practicable, and structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge, and designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, "storm damage or significant repair" shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.

- 8. Chapter 108 Article VI, § 108-26 Consolidated Piers (E) amended to change height from 6' to 8'**

The height of the consolidated pier walkway above mean high water shall not exceed ~~six-eight~~ feet above mean high water in the Outer Harbor and 10 feet above mean high water in the Coastal Harbor.

- 9. Chapter 108 Article VI, § 108-26 Consolidated Piers amended to add new (L.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.**

L. In the event of storm damage, significant repair, or existing consolidated piers, they shall be raised to a height of eight feet above mean high water, if practicable, in the Outer Harbor, , and 10 feet above mean high water in the Coastal Harbor and shall be structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge and, and shall be designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, "storm damage or significant repair" shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.

- 10. Chapter 108, Article VI, § 108-27 Permit Approval Requirements heading amended to require approval of Land-Attached Floats.**

§ 108-27 Permit approval requirement.

No mobile vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways, Land-Attached Floats or other structures shall be constructed, enlarged or improved except upon approval and issuance of a permit in accordance with § 108-28 of these Harbor rules and regulations.

- 11. Chapter 108, Article VI, § 108-28 Procedure for permit (A) Application, amended to add Land-attached Floats.**

(1) Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway, Land-Attached Float or other structure shall require an

application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:

12. Chapter 108 Article VI § 108-28 Procedure for permit (1) amended to add a new (G)

(1) G.) Location of proposed moorings and other associated infrastructure for Land-Attached Floats

13. Chapter 108, Article VI, § 108-28 Procedure for permit (4) amended to further clarify that the Planning Board review occurs after the SB review and describes appeal process. Existing section (4) is deleted and replaced.

~~(4) Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, § 108-28, of these Harbor rules and regulations.~~

~~(a) If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.~~

~~(b) If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review~~

(4) Upon receipt of the review and comments of the Harbor Committee, the Select Board, after a public hearing, shall either approve, approve with conditions or deny the proposed project, in accordance with the standards of Article VI, § 108-28, of these Harbor rules and regulations. The Select Board decision shall be forwarded to the Planning Board for the final review phase. The Planning Board shall then review the proposal pursuant to the requirements of the *Chapter 290 § 10.2 Shoreland Areas and Article XII Site Plan*, and issue its written decision to approve, approve with conditions or deny the Application. No permit shall be issued unless approved by both the Select Board and the Planning Board. After a final written Decision by the Planning Board, if the application is approved by both the Select Board and the Planning Board, a permit shall be issued by the Code Enforcement Officer. If either the Planning Board or Select Board do not approve the Application, the Applicant may appeal the decision to the Knox County Superior Court pursuant to Rule 80B of the M.R.Civ.P. within 30 days of the date of the vote by the Planning Board on the Application.

14. Chapter 108 Article VI § 108-28 Procedure for permit A. (5.) is deleted as not necessary.

~~(5) The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.~~

15. Chapter 108 Article VI § 108-28 Procedure for Permit A. (6.) (b.) [5] standard is amended to more appropriately address public rites of passage and uses of the shores and flats.

[5] ~~Substantially Adversely~~ block or ~~substantially~~ interfere with public rites of passage and uses of the shores and flats.

16. Chapter 108 Article VI § 108-28 Procedure for Permit A. (6.) (b.) [8] appeal standard is deleted as appeal is addressed in new Chapter 108 Article VI § 108-28 A. (4.)

~~[8] The decision of the Select Board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure~~

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To Katrina Oakes, Clerk:

Article 4:

Shall the Town of Camden amend *Chapter 290 Zoning*, to regulate Land-Attached Floats in Camden Harbor and to amend performance and construction standards for piers in the Outer and Coastal Harbors to address Sea Level Rise; provided however, that the Moratorium Ordinance enacted on June 14, 2022 and extended multiple times by the Select Board, prohibiting the construction of new residential piers and other structures, with the exception of Land-Attached Floats in the Outer and Coastal Harbors, shall remain in full force and effect

NOTE: The proposed ordinance amendments to Chapter 290, Zoning generally implement several of the recommendations of the Harbor Committee and, specifically relate to the following: land attached floats and the impacts of sea level rise on piers. The Moratorium approved by voters and extended by the Select Board shall remain in full force except for the permitting and review of Land Attached Floats and the replacement or reconstruction of existing piers. A copy of the proposed amendments are available for review in the Town Clerk's Office during regular business hours and on the Town of Camden's website at www.camdenmaine.gov

This is being presented to the voters for their consideration at secret ballot voting on Tuesday, November 7, 2023 Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 5, 2023


Thomas Hedstrom, Select Board Chair

PROPOSED AMENDMENTS to CAMDEN CODE of ORDINANCES:

1) **AMEND ARTICLE III: TERMINOLOGY:** § 290-3.2 Definitions (add a new definition)
LAND-ATTACHED FLOATS:

A system consisting of a ramp with an attached location on land or real property, which connects to and/or serves as access to a moored float in the Outer or Coastal Harbor

2) **AMEND ARTICLE V: ADMINISTRATION:** § 290-5.2 Permits required.

G. ~~Permits issued under Subsections B and F above are exempt from the posting requirement~~ Piers, docks, ramps, and land-attached floats and other structures in the Outer and Coastal Harbors

H. Permits issued under Subsections B and F above are exempt from the posting requirement

3) **AMEND ARTICLE X PERFORMANCE STANDARDS:** § 290-10.2 Shoreland areas

J. Piers:

(1) Height of walkway of piers and wharves in the shoreland area adjacent to the Inner Harbor and Outer Harbor areas as defined in Chapter 108, Harbor and Waterways, of the Code of the Town of Camden shall not exceed ~~six~~ eight feet above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed 10 feet above mean high water.

(9) Piers shall be designed and constructed in a manner that allows them to be raised and/or structurally reinforced in the future to mitigate the increased adverse impacts of sea level rise or storm surge.

4) **AMEND ARTICLE XII SITE PLAN REVIEW:**

4a) § 290-12.1 A. Purpose and Applicability

(6) Proposals to construct, enlarge, locate, erect or extend piers, wharves, bulkheads, land- attached floats, breakwaters, consolidated piers, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. [Amended 6-20-2006]

4b) § 290-12.6 Approval Criteria

J. Special criteria for piers, wharves, land-attached floats breakwaters, municipal boat ramps, municipal piers, consolidated piers, causeways, marinas, bridges over 20 feet in length and other uses projecting into water bodies requiring site plan approval under the terms of this chapter. In addition to the above approval criteria, the site must be demonstrated to be suitable for the proposed use according to the following special criteria:...

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To Katrina Oakes, Clerk:

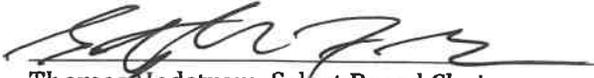
Article 5:

Shall the Town approve amendments to Article I Powers of the Town, Section 1.02 Town Meeting and Warrants, Article VI Financial Procedures, Section 6.02 Endowment Funds, 6.05 Select Board Action on Proposed Budget, and Section 6.06 Town Vote on the Budget of the Town Charter?

***NOTE:** The purpose of these Charter amendments are to: (1) Remove the election of Budget Committee members from Article I to be consistent with past Charter amendments to Article VI Financial Procedures; (2) Remove mention of the Endowment Fund from the Budget Format as it conflicts with how the Endowment Funds are managed, as specified in Trust Documents; (3) Reorganize how the Select Board meets and deliberates on the budget to be consistent with Town Meeting Warrant public hearing and meetings; and, (4) Clarify that both the recommendations of the Budget Committee and Select Board will be on the ballot and that voters will be asked to approve the bottom-line revenue and expense numbers recommended by the Select Board.*

This is being presented to the voters for their consideration at secret ballot voting on Tuesday, November 7, 2023 Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 5, 2023


Thomas Hedstrom, Select Board Chair

Chapter C Charter

[HISTORY: Adopted by the Town of Camden 4-11-1934; amended 3-13-1978; 3-11-1980; 6-11-1996; 6-10-2003; 6-14-2016 and 6-15-2016; 11-6-2018; 11-2-2021; 6-14-2022; 6-13-23. Subsequent amendments noted where applicable.]

CHARTER of the TOWN OF CAMDEN

Preamble

We the people of Camden, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the State of Maine, pursuant to the provisions of Title 30-A, MRS, § 2101, do hereby adopt the following Charter for the Town of Camden, Maine. The form of government provided by this Charter shall be Town Meeting - Select Board - Town Manager.

Incorporation of the Town of Camden

WHEREAS, The Plantation of Camden, in the territory of Maine, had in the year 1790 with a population of 331 attained to a sufficient size and importance to be under Town Government, and an application to the General Court of the Commonwealth of Massachusetts had been filed by an Act dated February 17, 1791, the Plantation of Camden became the Town of Camden, continuing as such until February 25, 1891, when by an Act of the Legislature of the State of Maine, Camden separated from Rockport, so the old Town of Camden ceased to exist and the present Town of Camden came into existence, and shall continue to be a municipal corporation under the name of the Town of Camden established by and in accordance with the Private and Special Laws of the State of Maine for the year 1891.

In 1925 the Town voted to adopt the Town Manager form of government. The original Charter was adopted April 11, 1934. A revised charter was adopted in 1978, and subsequently amended on the following dates: March 11, 1980, June 11, 1996, June 10, 2003, June 14 and 15, 2016, November 6, 2018, November 2, 2021, and June 14, 2022.

Article I Powers of the Town

The powers of the Town (see Glossary for definition) under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general power stated in this article.

Section 1.01 Intergovernmental Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions, municipalities, or agencies thereof, or of the United States or any agencies thereof, to the extent permitted by law.

Section 1.02 Town Meetings and Warrants. [Amended 6-14-2022]

The Town Meeting shall be the legislative body of the Town, excluding those matters in which the Select Board is empowered with legislative authority by Maine Statute, and shall exercise those powers set forth in this section and any incidental powers necessary to be consistent with the Laws and Constitution of the State

of Maine.

- (1) Annual Town Meeting. This meeting shall be held in the Town of Camden, on the second Tuesday in June of each year, for the purpose of choosing by secret ballot:
 - (a) a moderator.
 - (b) qualified citizens to serve on the Select Board as provided in Article II, §§ 2.02, 2.03.
 - ~~(c) members of the Budget Committee as provided for in Article VI, § 6.03.~~
 - (d) Pursuant to Title 30-A MRS § 2528, the warrant shall present the Annual Budget, ~~Capital Plan~~ and supplemental appropriations, including any from the Surplus Account. (Refer to Article VI, Financial Procedures, §§ 6.01-6.06, for the Budget Process.)
 - (e) Action necessary to comply with the property tax levy limit over-ride provisions under State law.
 - (f) Any other business deemed appropriate by the Select Board for the welfare of the municipality and the administration of the Town's finances (Refer to Article VI).
- (2) Call of Town Meeting. Each Town Meeting shall be called by a Warrant (see Glossary for definition). The Warrant shall be signed by a majority of the Select Board. If for any reason a majority of the Select Board members do not remain in office, a majority of those members remaining may call a Town Meeting.
- (3) Posting of Warrant. At least seven (7) days before Town Meeting the complete Warrant shall be posted in at least three (3) conspicuous places, including the Town Office, the Camden Public Library, and on the Town website.
- (4) Review of Ordinances. All proposed Town Ordinances and Warrant Articles shall be examined by the Town Attorney before being submitted to the voters. The Town Attorney is authorized to correct the form of a proposed ordinance or Article for the purpose of avoiding repetitions, illegality, and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and preciseness in its phraseology. Any such corrections shall not substantively change its meaning and effect.

Section 1.03 Petitions, Citizens' Initiatives, and Referendums (see Glossary for definitions).

- (1) Petitions for Articles on the Warrant. Any qualified voter may request that the Select Board place an Article on the Warrant and shall present the substance of the Article in written form. If the request is denied by the Select Board, on the written petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election, the Select Board shall insert that particular Article in the next Warrant issued or shall call a special Town Meeting for its consideration.
- (2) Petition by Voters if Select Board Unreasonably Refuses to Place an Article on the Warrant. If the Select Board unreasonably refuses to call a Town Meeting, a Notary Public may call the meeting on the written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten (10) voters.

State law Reference: Title 30-A MRS, §§ 2521, et seq.

Section 1.04 School Administration.

In the event that the Town shall be required to operate its own school system, unless otherwise provided by law, the voters shall provide by ordinance for the administration of such a system.

State Law Reference: Title 20-A MRS.

Article II Select Board

Section 2.01 **Officers.**

The members of the Town's Select Board shall be and constitute the municipal officers of the Town of Camden for all purposes required by law and, except as otherwise herein specifically provided, shall have all powers and authority given to and shall perform all duties required of municipal officers under the laws of this state.

Section 2.02 **Composition and Eligibility.**

- (1) **Composition.** The Select Board shall consist of five (5) members, elected at each municipal election to fill those positions that have become vacant.
- (2) **Eligibility.** Only qualified voters (see definition in Glossary) of the Town of Camden shall be eligible to hold office as a Select Board member. Select Board members shall reside in the Town throughout their term of office. A qualified voter shall be a resident (see definition in Glossary), a U.S. citizen, and at least eighteen (18) years of age. State Law Reference: Title 30-A MRS, § 2526.
- (3) **Holding Other Offices.** No member of the Select Board shall be an employee of the Town while serving on the Select Board.

Section 2.03 **Terms.**

- (1) **Terms.** The members shall serve staggered terms of three (3) years.

Section 2.04 **Compensation and Expense Reimbursement.**

- (1) **Compensation.** Members of the Select Board shall receive annual compensation for their services established by voters at the annual Town Meeting. Members serving unexpired terms shall be paid on a prorated basis for time served.
- (2) **Expense reimbursement.** Members of the Select Board shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of the office.

Section 2.05 **Induction of Select Board Members into Office.**

Following the day of the election, or as soon thereafter as practicable, all Select Board members shall be sworn to the faithful discharge of their duties by the Town Clerk or by any other person authorized to administer the oath.

Section 2.06 **Organizational Meeting.**

- (1) The members of the newly constituted Select Board shall meet within 24 hours after their election, or as soon thereafter as practicable.
- (2) The Select Board shall, at its organizational meeting or as soon thereafter as possible, elect a Chair and Vice-Chair for the ensuing year.
- (3) The Select Board shall, at its organizational meeting or as soon thereafter as possible, establish a time and place for holding its regular meetings.

Section 2.07 **Select Board Chair and Vice-Chair.**

- (1) The Chair, or Vice-Chair in the absence of the Chair, shall preside at meetings of the Select Board and shall be entitled to vote on Board matters.
- (2) The Chair, or Vice-Chair, is responsible for calling special meetings of the Select Board when such meetings are necessary.

- (3) The Select Board Chair shall be recognized as head of the Town government for all ceremonial purposes and by State or Federal officials during states of emergency.

Section 2.08 Vacancies and Filling of Vacancies.

- (1) Vacancies. The office of a Select Board member shall become vacant upon a member's failure to qualify for office within ten (10) days after written demand by the Town Clerk, non-acceptance, resignation, death, permanent disability (if the essential functions of the job cannot be met through reasonable accommodations), or removal in any manner authorized by law or this Charter, or forfeiture of office.
- (2) Filling of Vacancies. If a seat on the Select Board becomes vacant more than four (4) months prior to the next regular Town Meeting, the Select Board shall call a special election to fill the unexpired term within sixty (60) days from the date the vacancy occurred. If the vacancy occurs less than four (4) months prior to the next regular Town Meeting, the office shall remain vacant until the next Town Meeting.

State Law Reference: Title 30-A MRS, § 2602.

Section 2.09 Forfeiture of Office and Notification of Forfeiture.

- (1) Forfeiture of office. Following a hearing by the Select Board and an affirmative vote of at least three (3) Select Board members, a member may be required to forfeit their office if the member:
 - (a) Lacks at any time during their term of office any qualification for the office prescribed by this Charter or by law; or
 - (b) Violates any express prohibition of this Charter or is convicted of a crime or offense which is reasonably related to their ability to serve as a Select Board member while in office; or
 - (c) Fails to attend three (3) regular meetings in any six-month period without being excused. A request for an excused absence shall be submitted in writing. An absence shall be excused upon a finding by the Select Board Chair that request for approval of an excused absence is reasonable. Factors to be considered shall include, but not be limited to, attendance record, circumstances beyond the control of the absent member, professional or family commitments, and illness or medical treatments;
 - (d) Absences not in adherence to an established remote participation policy may be classified as an unexcused absence.
 - (e) Has been recalled from office as provided by State Law Title 30-A MRS, § 2505.
- (2) Notification of Forfeiture. Any Select Board member deemed to have forfeited their office under this section shall be notified in writing by certified mail by the Select Board.

Section 2.10 General Powers and Responsibilities.

All powers of the Town shall be vested in the Select Board, except as otherwise provided by law or this Charter, and the Select Board shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

Section 2.11 Enumeration of Powers and Responsibilities.

- (1) Annual appointments. Annual appointments shall be made at the organizational meeting of the Select Board, or as soon thereafter as possible, and as vacancies occur.
 - (a) Town Manager.
 - (i) No later than at the third regular meeting and after their organizational meeting, the Select Board shall review, appoint, renew, or reappoint a Town Manager by an affirmative vote of three (3) members,

provided that any contract entered into by and between the Select Board and Town Manager shall not exceed three (3) years. The Town Manager may not be a member of the Select Board.

- (ii) The Select Board may, where appropriate and where not prohibited by law, vest in the Town Manager all or part of the duties of any office.
- (iii) The Select Board may appoint the Town Manager to act as the Overseer.
- (b) Other Appointed Positions. By an affirmative vote of three (3) members, the Select Board shall appoint the Fire Chief, Police Chief, Town Attorney, Assessor, and Health Officer, and shall have the authority to remove such appointees in accordance with the laws of Maine. None of these appointees may be a member of the Select Board.
- (c) Other Officers and Boards. By an affirmative vote of three (3) members, the Select Board shall appoint their Overseer, and the members of the Planning Board, the Zoning Board of Appeals, the Conservation Commission, and such other boards and officers when appointments are required by State or Federal law or Town ordinance. Members of these Boards shall be residents of the Town of Camden.

State Law Reference: Title 30-A MRS, § 2526 and 2631; 22 MRS, § 451.

- (2) Advisory Committees. As it deems necessary, the Select Board may establish advisory committees and appoint committee members by an affirmative vote of three (3) Select Board members. In establishing an advisory committee, the Select Board shall outline the committee's purpose, responsibilities, membership qualifications, terms, and shall appoint a liaison from the Select Board. A public hearing shall be held before the Select Board discontinues or suspends an advisory committee.
- (3) Creation of Departments. The Select Board may establish departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or assigned to any other, unless this Charter specifically so provides.
- (4) Investigations. The Select Board, or its authorized committees, or commissions of its own members, or of citizens appointed by the Select Board, may make investigations into affairs of the Town and the conduct of any Town department, office, or agency. Title 30-A MRS § 2635.
- (5) Financial Responsibilities. The Select Board shall regularly oversee and monitor all municipal appropriations and expenditures, sign Warrants authorizing all disbursements of the Town, and establish a policy for financial procedures to follow generally accepted accounting practices for municipalities. (Also see: Article VI Section 6.10.)
- (6) Charter Review. Nothing in this section shall be construed to limit the authority of the Select Board to propose a Charter amendment or revision by its own resolve or motion, at any time, as provided by law.
 - (a) Appointment of Charter Review Committee. Commencing in January of 2027 and every fifth (5th) year thereafter, a Charter Review Committee consisting of five (5) members shall be appointed every fifth year by the Select Board to review and recommend changes in the Charter. In addition to the five-member committee, a member of the Select Board shall serve as a non-voting advisory member.
 - (b) Charter Amendments. If the proposed changes are for proposed Charter amendments, the Select Board shall review them and determine which ones, and in what form, will be referred to the voters, pursuant to Title 30-A MRS § 2101, et seq., as amended.
 - (c) Charter Revisions. If the proposed changes constitute a revision of the Charter, the Select Board shall review them. If it determines the revision of the Charter is warranted, the Select Board shall refer the

matter to the voters for creation of a Charter Commission, pursuant to 30-A MRSA Section 2101, et seq., as amended.

Section 2.12 **Prohibitions.**

- (1) **Appointments and Removals.** Neither the Select Board nor any of its members shall dictate the appointment or removal of any administrative officers or employees whom the Town Manager or other persons in authority are empowered to appoint or employ.
- (2) **Interference with Administration.** The Select Board and individual Select Board members are prohibited from dealing directly with Town officers or employees who are subject to the direction and supervision of the Town Manager or other persons in authority. Neither the Select Board nor its members shall give orders to any such officer or employee, either publicly or privately.
- (3) **Limitations of Select Board Action.** The Select Board shall act as a unit, settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to them by the Select Board. Select Board members in the minority may issue a formal minority report.

State Law Reference: 30-A MRS, § 2635.

Section 2.13 **Public Access, Select Board Meeting Protocol and Procedures, and Record Keeping.**

- (1) **Public Access.** All regular and special meetings of the Select Board shall be open to the public. State Law Reference: Title 1 MRS, § 401 et. seq.
- (2) **Regular Meetings.** The Select Board shall meet regularly at least once a month.
- (3) **Special Meetings.** A special meeting is defined as any meeting that is held outside the regularly scheduled meetings of the Select Board. The Select Board shall determine the location of special meetings to be held at such time and place as is legal and proper to transact the necessary business at hand. Members of the Select Board shall be given at least twenty-four (24) hours' notice of any special meeting, except for emergency circumstances in which the Select Board members and the press shall be given as much notice as practically possible.
- (4) **Notice of Meeting.** Notice shall be given in local media and on the Town website of the time and place of regular and special Select Board meetings by at least the Friday prior to the week of such meetings.
- (5) **Agenda.** The agendas of regular and special Select Board meetings shall appear on the Town website and at the Town Office at least twenty-four (24) hours in advance of the meeting.
- (6) **Quorum.** Three (3) members of the Select Board shall constitute a quorum. No action of the Select Board shall be binding or valid unless adopted by an affirmative vote of at least three (3) members, except as provided in 30-A MRS, § 2521(2) which allows for a majority of remaining Select Board members to call a Town Meeting. (See: Camden Charter, Article I § 1.02(1a).)
- (7) **Executive Session.** The Select Board may by an affirmative vote of three (3) members vote to discuss matters in a closed or executive session to the extent that the matter is a permitted deliberation as identified in Title 1 MRS, § 405(6) or any other enabling statute, and is in accordance with the procedures specified in that statute or any other applicable existing statute. Final action on any matter taken up in such closed session, except those matters which are permitted or required by law to be acted upon in closed session, shall not be voted on by the Select Board until such a matter is placed on the agenda of a regular or special Select Board meeting and voted upon at such a meeting.
- (8) **Rules and Record Keeping.**
 - (a) **Rules.** The Select Board shall determine at its organizational meeting, its own rules and order of

business to be followed by the Board for the ensuing year. A written record (see definition in Glossary) of these rules shall be made available for public inspection and publication.

- (b) Record of proceedings. The Select Board shall provide for the keeping of an accurate, permanent digital recording (see definition in Glossary) of its meetings and for maintaining a written record of its proceedings, such recordings and written records to be a public record and maintained off-site.
- (c) Record of attendance. A record of attendance of Select Board members at all regular and special meetings shall be maintained and published in the annual Town Report.

Section 2.14 General and Administrative Ordinances.

The Select Board shall have the authority to enact all general and administrative (see definition in Glossary) ordinances authorized to be enacted by the municipal officials and shall follow the procedures for enactment as provided by statute (see definition in Glossary). The authority for the enactment of all other ordinances authorized to be enacted by the municipality shall be held in the legislative body, except for emergency ordinances as provided in Section 2.15. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven (7) days after adoption unless otherwise specified therein.

State Law Reference: Title 30-A MRS, Chapter 141; Title 22 MRS, § 4305.

Section 2.15 Emergency Ordinances.

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances, except that pre-adoption, publication, and notice of public hearing requirements may be omitted, provided the enacting clause of the emergency ordinance sets forth a statement of the emergency. An emergency ordinance may be adopted by voters of the Town of Camden, with or without amendment at the meeting at which it is introduced. An emergency ordinance so enacted shall be automatically repealed after the time specified in the ordinance, but not later than the sixty-first (61st) day following the date on which it was adopted.

Section 2.16 Authentication and Recording of Ordinances.

- (1) Ordinances Adopted by the Select Board. All ordinances and resolutions adopted by the Select Board shall be authenticated by the signatures of the Chair and Vice-Chair of the Select Board, and recorded by the Town Clerk in a properly indexed book kept for that purpose.
- (2) Ordinances Adopted by the Voters. All ordinances and resolutions adopted by the voters of the Town shall be authenticated and recorded in full by the Town Clerk in a properly indexed book kept for that purpose.

Section 2.17 Codification of Ordinances and the Camden Code.

- (1) Codification (see definition in glossary). Within three (3) years after adoption of this Charter, the Select Board shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by a majority vote of the Select Board and shall be in loose-leaf written form and an electronic (see definition in Glossary) form together with this Charter and any amendments thereto, and with such codes of technical regulations and other rules and regulations as the Board may specify. This compilation shall be known as the Camden Code.
- (2) Camden Code. The Camden Code shall be kept current and up to date by inserting all new ordinances and other pertinent material, including an indexed record of rescinded ordinances and other changes. Under the direction of the Select Board, the Code shall be reviewed and updated at least every ten (10) years by the Town Manager and Town staff. Copies of the Code, and of new ordinances as enacted, shall be made available on request to officials, libraries, and public offices for public reference, and made available for purchase at a reasonable price fixed by the Select Board. A complete and current

copy of the Camden Code shall be maintained off site, in a physical location and in an electronic format in a separate and secure location.

State Law Reference: Title 30-A MRS, §§ 2526, 2631, 3001, 3004, 3009.

Article III Town Manager

State Reference: Title 30-A MRS, § 2631-2639

Section 3.01 Appointment, Compensation, and Qualifications.

- (1) Appointment. The Select Board shall appoint a Town Manager (Manager) for a term not to exceed three (3) years.
- (2) The Select Board shall fix the Manager's compensation and benefits.
- (3) Qualifications. The Manager shall be appointed on the basis of character and executive and administrative qualifications. The Manager need not be a resident of the Town or State at the time of appointment, but requires Select Board approval to reside outside the Town of Camden while in office.

Section 3.02 Absence or Disability.

The Manager may designate a qualified administrative official of the municipality to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Select Board. In the event of a failure to make such designation, the Select Board may appoint an officer of the municipality to perform the duties of the Manager during such absence or disability and until the Manager shall return or the disability shall cease.

Section 3.03 Removal Procedure.

The Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- (1) The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Manager within 10 days of filing.
- (2) The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a Public Hearing.
- (3) Upon request for a Public Hearing, the Select Board shall hold the hearing not sooner than ten (10) days and not later than thirty (30) days after the request is filed.
- (4) After the Public Hearing, or at the expiration of the time permitted the Manager to request a Public Hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal.
- (5) The Select Board may suspend the Manager from duty in the preliminary resolution, but in no event shall the Manager's salary be affected until adoption of the final resolution of removal.

Section 3.04 Powers and Duties.

As the chief executive and administrative official of the municipality, except where specifically exempted, the Manager shall:

- (1) Serve as the head of any department under the control of the Select Board when so directed by the Select Board.

- (2) Be responsible to the Select Board for the administration of all departments and offices over which the Board has control.
- (a) Appoint, subject to confirmation by the Select Board, a Finance Director, Tax Collector, Town Clerk, and General Assistance Administrator, for a term of one (1) year. Residency in the Town of Camden is not required for appointment to these positions.
- (b) Appoint, subject to confirmation by the Select Board, the heads of departments when the department is not headed by the Manager.
- (c) Appoint and supervise, unless otherwise provided by municipal ordinance, all Town officers and employees whom the Select Board are required by statute to appoint, except members of boards, commissions, and committees, and appoint and supervise all other officials, subordinates, and assistants subject to the limitations given in item (11) in this section. The Manager may delegate this authority to a head of a department.
- (d) Establish and supervise an ongoing interdepartmental planning and review program for the purpose of coordinating activities of any department, agency, or commission of the Town which may have a substantial effect on activities of other departments, agencies, or commissions within the Town.
- (3) Execute all laws and ordinances of the municipality and ensure the Town's compliance with all State and Federal safety and labor regulations.
- (4) Act as purchasing agent by establishing purchasing procedures for all departments, including the Wastewater Department, provided that the Town or the Select Board may require that all purchases greater than a designated amount shall be submitted by sealed bid.
- (5) Attend all meetings of the Select Board and such other meetings as the Board may designate, except when the Manager's removal is being considered.
- (6) Make recommendations to the Select Board for the more efficient operation of Camden, including those options which are for inter-municipal sharing or departmental functions, regional authorities, and Knox County.
- (7) Keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town.
- (8) Prepare the annual Town budget in accordance with Finance Procedures, Article VI, including the preparation of the annual ten-year Capital Improvement Plan for submission to the Select Board. Such plan shall guide the budget development process and be updated annually.
- (9) Explain, insofar as possible, to residents and taxpayers their lawful options for remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- (10) Have exclusive authority to remove for cause, after notice and hearing, all persons whom the Town Manager is authorized to appoint, and report such removals to the Select Board.
- (11) Not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of the person in authority for the department.
- (12) Prepare the annual Town Report, which shall be available at least seven (7) days prior to the annual Town Meeting, pursuant to Title 30-A MRS, § 2801.

Article IV

Administrative Organization

Part A: Personnel Administration

Section 4.01 Municipal Personnel Policy.

The Town of Camden is an Equal Opportunity Employer and as such is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town therefore has set forth a policy of nondiscriminatory hiring, employment, and personnel actions. Such decisions or actions shall not be based upon religion, age, sex, sexual orientation, gender identification, marital status, race, color, ancestry, national origin, and physical or mental disability, except as a bona fide occupational qualification.

State Reference Title 5 MRS, Chapter 337 Maine Human Rights Act, § 4551 et. seq.

Section 4.02 Personnel Director.

- (1) The Town Manager shall serve as Personnel Director.
- (2) The Personnel Director shall administer the personnel of the Town of Camden in accordance with the rules and regulations established in the Personnel Policy of the Town of Camden and ensure the Town complies with all State and Federal labor standards.

Section 4.03 Personnel Policy Revisions and Amendments.

Enactment of Revisions or Amendments to the Town's Personnel Policy. After a public hearing and the approval within seven (7) days of the public hearing by an affirmative vote of three (3) members of the Select Board, revisions or amendments to the Personnel Policy and its rules and regulations shall be in effect and have the force and effect of law. Until such revisions or amendments are enacted, the previous Personnel Policy, shall remain in force.

Section 4.04 Transition of Personnel Board to Personnel Advisory Committee.

See Article X, Section 10.04(4) Officers, Employees and Board Members.

Part B: Assessment Administration

The Town shall have a single Assessor as set forth in Title 30-A MRS, Sec 2526(5)(A and B), who shall be appointed by the Select Board for a period, at its discretion of from one (1) to three (3) years. The Select Board may, without further action required by Town Meeting, choose to execute an agreement with one or more municipalities to share services of a single Assessor.

Part C: Legal Assistance and Town Attorney

There shall be a Town Attorney appointed by the Select Board who shall serve as chief legal advisor to the Board, the Town Manager, and all Town departments, boards, and agencies with the approval of the Town Manager. The Town Attorney shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law. In addition, the Select Board may, from time to time, appoint other lawyers to assist the Town Attorney in matters of complexity or magnitude.

Wastewater Department

Section 5.01 Organization and Funding.

- (1) **Authority.** In accordance with Title 30-A MRS § 5401-5415, the Town of Camden is authorized to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a revenue-producing wastewater facility consisting of a sewer system, or part thereof, within or without or partly within and partly without, the corporate limits of the Town of Camden. The system shall be known as the Camden Wastewater Disposal System.
- (2) **Funding.** The original construction cost and any future replacement costs of any portion of the wastewater facility, including but not limited to buildings, sewer lines, force mains, pump stations, or other appurtenant structures including replacement of sewer lines and fixed machinery, shall be considered as capital improvements and may be funded through use of the Wastewater Department's Capital Reserves, user service charges, or use of bonds and other loan sources.
- (3) **Debt service.** Any debt service for capital improvements incurred by the Town of Camden on behalf of the Camden Wastewater Disposal System may be repaid through user service charges.
- (4) **Operational costs.** The cost of operation and maintenance of the facility shall be derived solely from user service charges and not from property taxation.
- (5) **Facility regulations.** All ordinances, rules, and regulations presently existing pertaining to the wastewater facility shall remain in full force and effect until amended.

Section 5.02 Wastewater Commissioners.

- (1) **Commissioners Empowered.** The Select Board, acting as Wastewater Commissioners (hereafter in this article called "Commissioners"), are hereby authorized and empowered to perform all duties and functions authorized and established by state statute or law or by municipal ordinance for fulfilling the purposes outlined above.
- (2) **Rates and Fees.** The Wastewater Commissioners shall fix the schedule of rates, fees and other charges for the use of the services provided by the Camden Wastewater Disposal System. State Reference: Title 30-A MRS § 5405.
- (3) **Deliberations.** In circumstances in which the Select Board considers, deliberates, or takes action on any Wastewater Department issue in a duly noticed Select Board meeting, the Select Board shall be deemed to be acting in their capacity as Wastewater Commissioners without the necessity of expressly convening as Wastewater Commissioners.

Section 5.03 Wastewater Commission Organization, Voting, Public Access, and Appointments.

- (1) **Commission Organization.** The Commission shall determine at its annual organizational meeting the rules and order of business to be followed by the Commission. The rules shall be recorded and made available for public inspection and publication. The Commission shall keep a permanent written and digital recording of all its meetings for the public record.
- (2) **Voting.** The votes of each Commissioner shall be recorded in a written record. Three (3) members of the Commission shall constitute a quorum. No action of the Commissioners shall be binding or valid unless adopted by an affirmative vote of three (3) of the Commission members.
- (3) **Public Access.** The Commission shall hold meetings as often necessary. All meetings of the Commission shall be open to the public.
- (4) **Executive Session.**

- (a) By an affirmative vote of three (3) members, the Commissioners may recess for the purpose of discussing matters in closed or executive session as permitted in Title 1 MRS § 405(6), and in accordance with that statute or any other applicable existing statute.
- (b) Vote on Actions. Similar action on any matter taken up in such closed session, except those matters which are permitted or required by law to be acted upon in closed sessions, shall not be voted on until it is placed on the public portion agenda of a regular or special meeting of the Commissioners.
- (5) Compensation. The Wastewater Commissioners shall receive an annual salary that shall be established by the vote of the Annual Town Meeting for each member. Members serving unexpired terms shall be paid on a prorated basis for time served. The Commissioners shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.
- (6) Appointments. The Wastewater Commissioners at their organizational meeting, or as soon thereafter as possible, shall appoint the Town Manager as Chief Executive and Administrative Official of the Wastewater Department, and appoint a Superintendent of the Wastewater Department.

Section 5.04 Duties of the Department Chief Executive and Administrative Official of the Wastewater Department.

The duties of the Chief Executive and Administrative Official of the Wastewater Department shall be to:

- (1) Report to and be directly responsible to the Select Board acting as Wastewater Commissioners for the administration of the Department.
- (2) See to the execution and enforcement of all laws and ordinances pertaining to the Wastewater Department.
- (3) Oversee the supervision and control of all personnel working for and in connection with the Department and have the authority to oversee the appointment of Wastewater personnel.
- (4) Attend all meetings of the Wastewater Commission except when matters pertaining to the Town Manager's employment are being considered.
- (5) Oversee the collection of necessary data for preparation of the annual budget, which budget together with supporting materials, is to be submitted directly to the Commissioners.
- (6) Be responsible for the preparation of Articles pertaining to capital expenditures on sewer-related projects for inclusion in the Town Warrant.
- (7) Be charged with the responsibility of establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the Department within the framework of the operating budget as approved by the Wastewater Commissioners.
- (8) Advise the Commission on all matters pertaining to all capital improvements and other matters affecting wastewater disposal.
- (9) Be responsible to the Commission for duties and responsibilities assigned in carrying out all capital improvements.

Section 5.05 Duties of the Superintendent of the Wastewater Department.

The Superintendent of the Wastewater Department shall:

- (1) Have the authority and responsibility for the day-to-day management of the Wastewater Department and the personnel of the Wastewater Department.

- (2) Report to and be directly responsible to the Town Manager for the administration of the Wastewater Department.
- (3) Have the authority to hire and supervise all personnel working for, and in connection with, the Wastewater Department, as directed by the Town Manager.
- (4) Be responsible for assisting the Town Manager in collecting the necessary data for the preparation of the annual budget for submission to the Wastewater Commissioners.
- (5) In coordination with the Town Manager, advise the Commissioners on all matters pertaining to capital improvements, which shall include an annual updating of the ten (10)-year Wastewater capital improvement plan, and other matters affecting wastewater disposal.
- (6) Prepare and submit to the Town Manager data necessary for the preparation of articles pertaining to capital expenditures on sewer-related projects for inclusion in the Town Warrant, and necessary for preparation of any other Articles for inclusion in the Town Warrant concerning the Wastewater Department.
- (7) Assist the Town Manager in establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the Department within the framework of the operating budget as approved by the Wastewater Commissioners.
- (8) Attend all meetings of the Wastewater Commission, except when matters pertaining to the Superintendent's employment are being considered.
- (9) Be responsible to the Town Manager and to the Wastewater Commissioners for duties and responsibilities assigned by the Wastewater Commissioners or the Town Manager in carrying out all capital improvements.

Article VI Financial Procedures

Section 6.01 Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of the subsequent year.

Section 6.02 Submission of Budget Schedule, Message and Format.

[Amended 6-14-2022]

- (1) Schedule. The schedule for preparation and submission of the proposed Annual Budget for the ensuing fiscal year shall be established annually by the Town Manager and Select Board. The schedule shall include proposed dates for the public meetings as required in § 6.05(1).
- (2) Town Manager shall submit to the Select Board for their review a budget for the ensuing fiscal year and a budget message. The Select Board shall review that budget and reconsider the budget for final approval after the Budget Committee has reported its recommendations to the Select Board. Such final approval shall be in accordance with the provisions set forth in Section 6.05, Select Board Action on the Budget.
- (3) Budget Message. The Town Manager's budget message shall explain the budget in fiscal terms and work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material the Town Manager deems desirable or the Select

Board requests.

- (4) Format. The budget shall provide a complete financial plan of all Town funds and activities, **including the Endowment Fund**, for the ensuing fiscal year, except as required by this Charter. The budget shall be in such form as the Town Manager deems desirable or the Select Board may require.
- (5) Organization. In organizing the budget, the Town Manager shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program purpose or activity, and object. It shall include:
 - (a) A clear general summary of the contents, and details of all estimated income and all proposed expenditures, including debt service, for the ensuing fiscal year;
 - (b) Comparative figures for actual year-to-date and estimated income and expenditures of the current fiscal year;
 - (c) Anticipated income and expenditures for the remainder of the fiscal year; and
 - (d) Actual income and expenditures for the preceding three (3) fiscal years.

Section 6.03 Budget Committee.

[Amended 6-13-23]

- (1) Purpose and Composition. The Budget Committee shall consist of eleven (11) regular members, to cooperate with the Select Board, Town Manager, Finance Director, other Town departments, and Superintendent of Schools (in the event the Town operates its own school system), in making recommendations concerning all appropriation articles in the Warrant.
- (2) Appointment by Select Board. Camden citizens interested in serving on the Budget Committee must submit a Committee Interest Form to the Town Office, in order to be considered for membership on the Budget Committee.
- (3) Terms. Members shall serve for staggered three (3)-year terms, commencing on the date of the Town Meeting. Members may serve for three (3) consecutive terms, after which they shall be ineligible to serve for one (1) year before they are allowed to serve up to three (3) consecutive year terms, subject to said gap year(s) thereafter.
- (4) Election of Officers and Governing Rules.
 - (a) The members of the Budget Committee shall vote to set their governing rules of order.
 - (b) Six (6) members of the eleven (11) shall constitute a quorum.
 - (c) Current members of the Budget Committee shall elect a Chair and Vice Chair.

Section 6.04 Budget Committee Action on the Proposed Budget.

[Amended 6-14-2022]

- (1) The Budget Committee may meet during the development of the proposed budget and shall meet upon completion of the proposed budget prepared by the Town Manager, as outlined in (2) below. All Budget Committee meetings shall be open to the public. The committee shall keep a written record and an audio record of the meetings to include the votes taken at each meeting.
- (2) Prior to the final review of the proposed budget by the Select Board, the Budget Committee shall meet and adopt recommendations concerning the Town Manager's proposed budget. The recommendations

shall be reported to the Select Board prior to its final review of the budget. The Budget Committee's recommendations shall be included in the Town Warrant.

Section 6.05 Select Board Action on the Proposed Budget.
[Amended 6-14-2022]

- (1) Public Meetings. The Select Board shall hold at least two public meetings, ~~where the on the~~ proposed budget ~~is discussed~~. The first meeting shall be ~~noticed and conducted as a public hearing in order to deliberate and take into account ask for comments- comments received during from~~ the public ~~hearing~~ before the Select Board finalizes the Annual Town Warrant. Both the Budget Committee's recommendations and the Town Manager's proposed budget shall be presented at the public ~~hearing meeting~~.

The second meeting ~~may shall~~ be an informational meeting ~~and held no less than seven (7) days before the Annual Town Meeting to answer questions on the Select Board's proposed budget.-~~

- (2) Final Review of the Proposed Budget. At a Select Board meeting, the Select Board shall review the Budget Committee's recommendations, comments received from the public and the budget as prepared by the Town Manager. The Select Board shall then vote to place the Town Manager's proposed budget, with or without amendments, on the Town Warrant along with the Budget Committee's budget recommendations.
- (3) Publication of the proposed budget. Following their vote on the proposed budget, the Select Board shall publish a general summary of their budget recommendations and the recommendations of the Budget Committee. Copies of the proposed budget and recommendations shall be available at the Town Office, printed in the Town Report, and be available ~~at the Town Meeting on the Town Website~~.

Section 6.06 Town Vote on the Budget.
[Amended 6-14-2022; 6-13-23]

- (1) The Annual Budget shall be included in appropriation Articles in the Town Warrant and shall be voted upon by the qualified voters of the Town at the Annual Town Meeting, as outlined in Article I, § 1.02.
- (2) Form of the Budget Articles. The recommendations of both the Select Board and Budget Committee shall be included in budget ~~revenue and expense~~ Warrant Articles, ~~and voters shall be asked to adopt the Select Board's recommendations. There shall be separate budget line item Warrant Articles, each of which shall identify the amount recommended by the Select Board as the amount subject to voter approval. The Each expense~~ budget line item Warrant Article shall ~~include the recommendations of the Select Board and the Budget Committee and shall~~ be limited to a single typical expense category as approved by the Select Board.
- (3) ~~Each budget article shall state that in~~In the event the article fails to pass it will be funded at the previous year's amount and shall state last year's amount.
- (4) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax thereby required.
- (5) A copy of the final approved budget, as adopted at Town Meeting, shall be certified by the Select Board and filed with the Assessor.
- (6) Copies of the final budget and capital program as adopted shall be preserved as public records. State Law Reference: Title 1 MRSA, § 401 et seq.

Section 6.07 Administration of Budget, Departmental Work Plans, and Revisions.

- (1) **Departmental Work Plans.** At such time as the Town Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year and duly signed by the department head.
- (2) **Town Manager Review.** The Town Manager shall review and authorize departmental allotments with or without revision as early as possible in the fiscal year.
- (3) **Revisions to Allotments.** The Town Manager may revise allotments within a department's approved budget during the year if the Town Manager deems it necessary, and shall revise them to accord with any supplemental, emergency, reduced, or transferred appropriations made.

Section 6.08 Tax Anticipation Borrowing Guidelines.

If the Town of Camden finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed to the extent practicable:

- (1) Invitations to bid shall be extended to all local banks at the same time.
- (2) Invitations shall be dated and delivered to the banks at least ten (10) complete banking days prior to the bid openings and award.
- (3) Invitations to bid shall specify the following:
 - (a) The maximum amount to be borrowed.
 - (b) A clearly defined method of borrowing; i.e., as needed or lump-sum.
 - (c) Planned maturity dates of said notes, and any required prepayment options.
 - (d) Estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump-sum basis.)
 - (e) The date, time, and place bids are due, and the date bids will be opened and awarded.
 - (f) The Town's right to accept or reject any or all bids.
 - (g) The method by which interest shall be calculated; e.g. actual number of days outstanding over a three hundred and sixty-five (365) day period.
- (4) Bidders shall be asked to submit interest rates in multiples of one one-hundredth of one percent (0.0001%).

Section 6.09 Administration of Unexpended Balances and Fund Transfers.

- (1) The Select Board may, after a duly advertised Public Hearing:
 - (a) Vote to carry over any unexpended year-end balance to a surplus account or from any account previously approved by Town Meeting vote from the then current fiscal year to the next fiscal year in that same account. Those carry-over balances shall be deemed appropriated for that same account for the next fiscal year.
 - (b) Vote to transfer funds from departmental accounts with balances to other departmental accounts to cover overdrafts.
 - (c) Vote to transfer an amount not to exceed ten percent (10%) of the unexpended balances from any budgetary department to another budgetary department of the annual budget, subject to the limitations

contained in this article, during the period from April 1 to the date of the Annual Town Meeting in June. The transfer of unexpended balances from various budgetary categories shall not increase the expenditure in any budgetary category by an amount that exceeds two-twelfths (2/12) of the budgeted amount approved for that budgetary category.

- (2) Any expenditure from the Town's Surplus Account shall be approved by the voters at an Annual or Special Town Meeting.

Section 6.10 Lapse of Appropriations for Capital Expenditures.

An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

State Law Reference: 30-A MRS, § 5801, § 5802.

Section 6.11 Endowment Funds and Gift Management.

From time to time, people and/or organizations donate assets to the Town to be managed by the Town and used for the benefit of Town residents. These assets shall be collectively called the Endowment Funds.

- (1) All assets, including cash, financial instruments, or real property donated to the Town may be accepted only upon a vote of acceptance by the voters of the Town at a Special or regular Town Meeting in accordance with Title 30-A MRS § 5652-5655.
- (2) Accepted assets shall be managed in the following manner:
 - (a) Assets contributed to the Town in the form of a Trust or with other specific bequest language shall be managed in accordance with the stipulations of the Trust or the specific bequest language.
 - (i) Endowment Funds Committee. The Select Board shall appoint a three (3) person Endowment Funds Committee to ensure that the Endowment Funds are managed in accordance with the Investment Policy Statement. The Investment Policy Statement shall be recommended by the Endowment Funds Committee and approved by the Select Board. The members of the Endowment Funds Committee shall be appointed by the Select Board from interested and qualified Town residents for staggered three (3)-year terms.
 - (ii) Registered Investment Advisor. The Town shall employ one or more Registered Investment Advisor(s) as recommended by the Endowment Funds Committee and approved by the Select Board. The Registered Investment Advisor(s) shall perform to the standards established in the Investment Policy Statement or shall be subject to replacement by the Select Board upon the advice of the Endowment Funds Committee. The Select Board shall issue a Request for Proposal at least every five (5) years from at least three (3) Registered Investment Advisors so that high quality management of the Endowment Funds can be maintained.
 - (iii) Beneficiary Advisers Committee. The Select Board shall appoint a Beneficiary Advisers Committee not to exceed five (5) members; two (2) shall be Select Board members, plus the Town Manager, the Town Finance Director and the General Assistance Manager. They shall be responsible to select beneficiaries to receive distributions from the various Trusts in accordance with the stipulations of each Trust. The Beneficiary Advisers Committee, in conjunction with the Endowment Fund Committee, shall exercise prudence in the distribution of funds from the Trusts so that the Trusts can operate into perpetuity. No one may simultaneously be a member of the Endowment Funds Committee and Beneficiary Advisers Committee.
 - (iv) If the intended purpose of a Trust can no longer be satisfied because that need has been extinguished or is satisfied through some other mechanism, then the Select Board shall pursue legal remedies so that the Trust can distribute funds for some similar purpose.

- (b) Assets other than real property, or not in a Trust, or with no specific bequest language, donated to the Town, shall be converted to cash by the Select Board and placed in the Surplus Account.
- (c) Assets, other than real property donated to the Town, with donor stipulations shall be converted to cash by the Select Board and placed in an account specifically identified to be used as the donor stipulated. These donated assets may be moved to any other account or purpose to the extent such action does not conflict with the stipulations placed on the gift by the donor.
- (d) Real property is donated to the Town. The Select Board shall decide if the property should be retained by the Town or sold. If the property is sold, then the proceeds shall be placed in the Surplus Fund.

Section 6.12 **Annual Audit.**

As authorized by law, the Town Manager shall each year appoint a Certified Public Accountant or accountants, with the approval of the Select Board, for the purpose of conducting the annual audit of the prior fiscal year's municipal finances.

State Law Reference: Title 30-A MRS § 5823.

Section 6.13 **Bonding Requirements.**

The Select Board shall require a bond, satisfactory to them and paid for by the Town, by a reputable surety company or other acceptable sureties such as the Town's Property and Casualty Insurance Policy, for all persons entrusted with the collection, custody or disbursements of any moneys of the Town.

State Law Reference: Title 30-A MRS § 5601, Title 36 MRS § 755.

Article VII **Growth Management and Long-Range Planning**

Section 7.01 **Purpose.**

Camden recognizes that in order to survive and prosper in a rapidly changing world, it needs to be diligent about providing for and implementing Growth Management and Long-Range Planning. In accordance with Title 30-A MRS, § 4323-4326, a municipal growth management program may include a Comprehensive Plan and an Implementation Program. The Town's existing Comprehensive Plan and existing land use ordinances and their amendments and successors shall comply with the procedures, goals and guidelines established in state law.

Section 7.02 **Planning Board.**

- (1) **Membership and Terms.** The Select Board shall appoint a Planning Board of five (5) members to serve staggered three (3)-year terms and two (2) alternates to serve one (1)-year terms. Planning Board members and alternates shall be Camden residents.
- (2) **Responsibilities.**
 - (a) Review and process applications for subdivisions, site plans, private ways, piers and other land permitting requirements as stipulated in the Zoning and Subdivision Ordinances.
 - (b) When appropriate, initiate amendments to existing ordinances or new ordinances in response to these needs.

Section 7.03 **Zoning Ordinance and Zoning Map.**

- (1) **Ordinance Review.** The Planning Board shall be cognizant of changing regulations and approaches in land planning in conjunction with the needs of the Town and shall monitor the Town's Zoning Ordinance, recommending needed changes to the Select Board.

- (2) Consistency. The Zoning Ordinance must be pursuant to and consistent with the Comprehensive Plan adopted by the Town Meeting.
- (3) Zoning Map required. A Zoning Map describing each zone established or modified must be adopted as part of the Zoning Ordinance or incorporated in the ordinance.
- (4) Authentication. The Zoning Map or any amended Zoning Map must be signed and dated by the Select Board and Town Clerk.

Section 7.04 Comprehensive Plan and Comprehensive Plan Committee.

- (1) Review. The Town shall review and maintain a Comprehensive Plan to be presented to the voters at Town Meeting at least every ten (10) years.
- (2) Review Committee. The Select Board shall appoint a Comprehensive Plan Committee of up to eleven (11) voting members to include five (5) members of the Planning Board and additional citizens of the Town of Camden.
- (3) Required Input. Consistent with 30-A MRS § 4324 (as may be amended from time to time), the Committee shall provide for a broad range of opportunity for comment, review and participation from Town staff, Town committees, and the public in revising and updating the Comprehensive Plan.
- (4) Committee Term. The Comprehensive Plan Committee shall serve until the Comprehensive Plan is adopted by the voters.
- (5) Periodic review for amendments.
 - (a) From time to time it may be appropriate to amend the Comprehensive Plan to satisfy changes in State or Federal regulations or to reflect changes in how Camden citizens want to direct the Town in between the normal ten (10)-year cycle.
 - (b) Recommendations. The Planning Board shall recommend changes after soliciting input as described in the preceding section from all concerned and submit the proposed changes to the Select Board for its consideration of inclusion at the next Town Meeting.

Section 7.05 Implementation Program.

- (1) Select Board Direction. Following the adoption of the Comprehensive Plan and any subsequent amendments, the Select Board shall direct the implementation of the Plan's recommendations and strategies, working with the Town Manager, Town Committees and other parties as needed.
- (2) Town Manager Responsibilities. The Town Manager shall be responsible for working with appropriate department heads to incorporate implementation strategies in department work plans. The Town Manager shall notify other responsible parties as identified in the Comprehensive Plan to coordinate implementation strategies.
- (3) Incorporation of Strategies. Appointed Town Committees and Boards shall incorporate implementation strategies in committee work plans as assigned to them by the Select Board and the Comprehensive Plan.

Article VIII Nominations and Elections

Section 8.01 Conduct of Elections.

The conduct of elections and the recount of ballots shall be in accordance with the provisions of Titles 21-A and 30-A, Maine Revised Statutes.

Section 8.02 **Nomination by Petition Method.**

(1) **Nomination Petitions Required.**

- (a) With the exception of the Budget Committee per Article 6.03(1), candidates for election to any elective office whose names appear on a written ballot must be nominated by petition.
- (b) Any qualified voter of the Town may be nominated for election by a petition signed by qualified voters of the Town.
- (c) **Number Required.** Not fewer than 25 nor more than 50 signatures of Camden residents are required.

(2) **Signatures.**

- (a) **Affidavit Required.** The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in the circulator's presence and that certifies each signature to be the genuine signature of the person whose name it purports to be.
 - (b) The signatures shall be executed in ink. Each signer shall indicate next to their signature the date of signing and the street address where the signer resides.
- (3) **Filing and Acceptance of Nomination Petitions.** Completed nomination papers, including all separate papers comprising the nomination petition, shall be assembled and filed with the Town Clerk during business hours. The Clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of nomination.
- (4) **Procedure After Filing Nomination Papers.** Within five (5) days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not the petition satisfied the requirements prescribed by this Charter.
- (5) **Insufficient Petition.** If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate.
- (6) **Retention.** The Town Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

State Law Reference: Title 30-A MRS, § 2528.

Section 8.03 **Ballot Order of Candidates' Surnames.**

Where two (2) or more candidates have been nominated for any office, the names of the candidates shall appear on the ballot in alphabetical order by last name. The name of each nominee or each candidate for nomination must appear on the ballot as follows: last name first followed by the first name and middle name or initial; last name first followed by the first name or the first initial and the middle name; or last name first followed by the first name. State Law Reference: Title 21-A MRS, § 601.

Section 8.04 **Determination of Election Results.**

- (1) **Number of Votes.** Each voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (2) **Plurality.** Election shall be determined by plurality vote. In case of a tie for any single one of the vacancies to be filled, a run-off election of those who tied shall be held within fourteen (14) days on one week's notice in a print and electronic media of general circulation in the Town and posted on the

Town's website.

Section 8.05 Publication and Format of Ballots for Ordinances.

- (1) **Publication.** Copies of the full text of any ordinance or amendment to be enacted by ballot shall be made available in the Town office at least thirty (30) days before the election date and displayed on election day at the designated place of polling.
- (2) **Title.** An ordinance to be voted on by written ballot shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

State Law Reference: Title 30-A MRS § 3001.

- (3) **Summary.** The Select Board may approve a brief summary, to be included on the Warrant and printed below the ballot question, which shall fairly and factually summarize the effect of the proposed Article, ordinance, or amendment.

Section 8.06 Voting Machines.

The Select Board may provide for the use of mechanical, electronic or other devices for voting or counting the votes consistent with the law.

State Law Reference: Title 21-A MRS § 808 and 809.

**Article IX
General Provisions**

Section 9.01 Terms of Elected or Appointed Officers.

The term of any elected or appointed officer shall begin no later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for their prescribed term or until their successor is elected or appointed.

Section 9.02 Swearing in Officers and Officials.

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon them to the Constitution and laws of the State of Maine, and the Charter and Ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A MRS, § 2526(9).

Section 9.03 Conflict of Interest.

- (1) **Public Trust.** All municipal officials and officers are sworn into public office to serve the interests of the Town of Camden as a whole, and in the municipal official and officer there is vested a public trust. A betrayal of that trust occurs when any official acts in their own interest rather than in the public interest while performing his or her job.
- (2) **Requirement to Inform.** Any official of the Town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation or business entity, in any contract with the Town, or in the sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in their capacity as an official, officer, or employee in making of such sale or in the making or performance of such contract.
- (3) **Appearance of Conflict.** Even if no legal conflict of interest exists, an official, officer or employee of the Town should avoid even the appearance of conflict by disclosing the potential conflict and/or abstention

from the issue being considered.

- (4) **Recusal.** During the meeting any such Town official, officer or employee of the Town with a conflict of interest shall recuse him/herself and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the Board, committee or commission is ready to move on the next agenda item. The official's recusal and reason for the recusal shall be recorded in the minutes of the meeting.
- (5) **Violation.** Any Town official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section, with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale voidable by the Select Board.
- (6) **Application.** The standards of conduct established in this section shall apply to all employees of the Town. Any inquiry or disciplinary action of an employee for violation of these standards shall be conducted solely under the terms of the Town's Personnel Policy Manual.

State Law Reference: Title 30-A MRS, § 2605.

Section 9.04 Prohibited Conduct.

The prohibitions in this section apply to all elected officials of the Town, its employees, committees, commissions and board members.

- (1) **Discrimination.** No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office in violation of the Town's Personnel Policy (see Article 4.01) and the Maine Human Rights Act (State reference Title 5 MRS § 4551 et. seq.)
- (2) **Falsification.** No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions of this Charter or the rules and regulations made thereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) **Inducement.** No person shall directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, any position within the Town administration.
- (4) **Political activity.**
 - (a) No person who holds a compensated appointed Town position shall solicit any assessments, contributions, or services for any political party from any employee of the Town. Staff shall not solicit donations to a political candidate or party from Town employees.
 - (b) Nothing contained in this section shall affect the ability of any person to hold membership in, and support, a political party, to vote as the person chooses, to express the person's opinion privately and publicly on political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- (5) No person shall disclose/use information not available to members of the general public and gained by reason of the person's official position for personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Section 9.05 Organization, Rules, Records, and Vacancies of Appointed Boards, Committees, and

Commissions.

- (1) **Organizational Meeting.** All Boards, Committees and Commissions appointed by the Select Board shall hold an organizational meeting at the first meeting of the membership held after their annual appointment or as soon as practicably possible. Except where otherwise noted, the organizational meeting shall include:
 - (a) Election of officers, which shall include a chair person and vice-chair, and secretary.
 - (b) Adoption of rules of order for conducting meetings.
 - (c) Scheduling of all regular meetings for the year.
- (2) **Public Access and Records.** All meetings shall be open to the public and a record of each meeting shall be maintained and submitted to the Town Office to be made available to the public in a reasonable period of time.

State Reference: Title 1 MRSA, § 401 et seq.

- (3) **Forfeiture of membership due to absence.** Should any Board, Committee or Commission member have three (3) consecutive unexcused absences from regular meetings within the fiscal year, their position shall be deemed forfeited and the Select Board shall appoint a new member.
- (4) **Vacancies.** After advertising for interested persons to apply for any vacancy that shall occur on any appointed Board, Committee or Commission, the Select Board shall appoint a replacement for any vacancy as soon as practicably possible.

Section 9.06 Separability Provisions.

- (1) **Judged Invalid.** If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.
- (2) **Statute Repeal or Revision.** Should any of the provisions of this Charter that are governed by the Maine Revised Statutes (MRS) become invalid due to a change in State law after the adoption of this Charter, the new Maine Statute shall take precedence over such provision in this Charter until the Charter can be amended in accordance with Maine State law.

Article X Transitional Provisions

Section 10.01 Effective Date.

This Charter shall become effective for all purposes on and after the first business day of the of the first month following its adoption by the voters of Camden.

Section 10.02 Select Board.

All members serving on the Select Board at the effective date of this Charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Section 10.03 Temporary Ordinances.

All existing codes, ordinances, and policies, including the by-laws of Atlantic Engine Company #2 and those of the police department, will remain in effect until altered, amended, or rescinded, except where these codes, ordinances, and policies are inconsistent with this Charter.

Section 10.04 Officers, Employees, and Board Members.

- (1) **Rights and Privileges Preserved.** Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of its adoption.
- (2) **Continuance of Office or Employment.**
 - (a) Except as specifically provided by this Charter, if at the time this Charter takes full effect, a Town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, they shall continue in such office or position until the taking effect of some specific provision under this Charter directing that they vacate the office or position.
 - (b) All established boards and committees not inconsistent with this Charter shall continue in effect until changed by Select Board action, and the incumbent members shall serve their appointed terms or until replaced.
 - (c) **Personnel System.** An employee holding a Town position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for under this Charter.
- (3) **Budget Committee.** All Budget Committee members serving at the time this Charter takes full effect, shall serve until the expiration of their term. Upon the expiration of their term, they may run for election to any existing vacancy on the Budget Committee as provided for in Charter Article VI, 6.03(1). The terms of future members are to be staggered. A schedule shall be drawn up showing how many are to be elected for 3-year, 2-year and 1-year terms.
- (4) **Personnel Board.** As of the date of adoption of this Charter, each of the three (3) members elected by the Town voters to the currently existing Personnel Board and serving at the time of the adoption of this Charter shall serve until the expiration of their terms. The Select Board may then make appointments to fill the vacancies on the newly appointed Personnel Committee.

Section 10.05 Departments, Offices and Agencies.

- (1) If a department, office, or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office, or agency designated in this Charter, or if the Charter makes no provision designated by the Select Board.
- (2) **Property and Records.** All property, records, and equipment of any department, office, or agency existing when this Charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties. But, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the Select Board in accordance with this Charter.

Section 10.06 Pending Matters.

All rights, claims, action, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Charter.

Section 10.07 State and Municipal Laws.

All Town ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officers, or employees

which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

GLOSSARY

Administrative Ordinance — The body of laws that governs the administration and regulation of government agencies.

Board — Select Board, when the words are capitalized.

Camden Code — see Codification.

Capital Expenditure — The expenditure of funds for assets of a permanent or fixed nature.

Citizen's Initiative and Referendum — Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote.

Codification — The process of collecting or arranging all the ordinances and resolutions of the Town that have the force and effect of law into a uniform and complete system, called the Camden Code.

Digital Recording — Audio and/or video signals picked up by a microphone and/or a camera then recorded to a storage device.

Electronic — relating to technology having electric, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Electronic Record — means a record created, generated, sent, communicated, received or stored by electronic means.

Ensuing Year — One year from a stated date.

Fiscal Year — The year by which accounts are reckoned.

General Assistance — A program designed to assist persons in meeting their basic needs for housing, utilities, personal needs, and transportation.

Legislative Body — Voters of the Town.

Local Banks — Banks that maintain banking facilities within the Town of Camden.

Manager — Town Manager.

Qualified Voter — A resident of Camden and a U.S. citizen who is at least 18 years of age. Title 21-A MRS § 111.

Overseers — Supervisors, public officers whose duties involve general superintendence of the inhabitants of the municipality with monies furnished to them by State, Federal or local authorities.

Recording — A relatively permanent oral or written record.

Residence — That place where the person has established a fixed and principal home to which the person whenever, temporarily absent, intends to return to. Title 21-A MRS § 112.

Resident — A person occupying a residence within the Town with intent to make that place their permanent home.

Select Board — The elected Town Officials.

Statute — A written law passed by a legislative body.

The Town — Camden.

Town Officer — One who is invested with some portion of the functions of the government to be exercised for the public benefit.

Warrant — A document issued by the Select Board to call a Town meeting and lists items to be voted at Town meeting.

Written Record — A written document preserving knowledge of facts or events such as the proceedings of Town Boards, Committees and Commissions.