

TOWN OF CAMDEN
CHAPTER VI, MISCELLANEOUS ORDINANCES

Adopted 2/25/1975 - Chapter VI-1 Cable Television Ordinance
Amended Annual Town Meeting 6/07 - Chapter VI- 2 - Restraint of Dogs in Public Places
Adopted Annual Town Meeting 6/1984) – Chapter VI-2A Restrain of Dogs in Public Places
Adopted 11/24/1936 Chapter VI-3 - Fishing Ordinance
Adopted 3/12/1984 - Chapter VI-4 - Flea Markets Ordinance
Adopted 3/12/1984; Amended 6/13/18 -Chapter VI-5 - Hawking & Peddling Ordinance
State Statute – 10/1/1969 Chapter VI-6 - House Trailer Ordinance
Adopted 1999; Amended 6/10/99 - Chapter VI-7 - Parking Trust Fund Ordinance
Adopted 11/8/1994 - Chapter VI-10 – Shade Tree Removal
Adopted June 7, 1976 – Chapter VI-11 Sidewalk Ordinance (Public Right of Way) moved to
Police Ordinance in 1998
Adopted 6/8/99 - Chapter VI-12 - Camden Conservation Ordinance
Adopted 6/13/88; Amended 6/6/94 - Chapter VI-13 - Tour Bus Ordinance
Adopted 6/12/99 - Chapter VI-14 – Disbursement of Municipal Funds Ordinance
Adopted 6/9/98 - Chapter VI-15 – Public Library Ordinance
Adopted 6/8/99 - Chapter VI-16 – Mt View & Oak Hill Cemeteries Ordinance
Adopted 6/8/2004 - Chapter VI-17 - General Enforcement Ordinance
Adopted 6/10/09 - Chapter VI-18 - Conditional Gifting Ordinance
Adopted 12/20/11 - Chapter VI-19 - Consumer Fireworks Ordinance
Adopted 11/7/17 - Chapter VI-20 - Unencapsulated Polystyrene Ordinance
Adopted 11/6/18 - Chapter VI-21 - Prohibition on Polystyrene Containers
Adopted 11/6/18 - Chapter VI-22 - Single Bag Use Ordinance
Adopted 6/11/19 - Chapter VI-23 - Local Food Sovereignty Ordinance

Certified:

Robert Falciani, Select Board Chair Date

A true copy, attest:

Katrina Oakes, Town Clerk

Date

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TOWN OF CAMDEN
CHAPTER VI-1
Cable Television Enabling Ordinance

Pursuant to the authority granted to the Municipal Officers of the Town of Camden under Title 30, Section 2141 (2) (H) of the Maine Revised Statutes Annotated 1964, as amended, the Municipal Officers of the Town of Camden are hereby authorized to contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of community antennae television systems and appurtenances of parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. Systems located in accordance with such contracts and ordinances now existing or as hereafter passed are not defects in public ways.

The Municipal Officers may establish such charges as are necessary to defray the costs of public notice, advertising, and the expenses of hearings related to applications for a contract, but in no case to exceed \$25 per applicant.

Historical Note: Adopted February 25, 1974
State Law Reference: 30 MRSA, Sec. 2151 (2) (H)

CHAPTER VI-1A

Cable Television Rate Regulation Ordinance

ARTICLE 1: GENERAL

1.1 Short Title

This Ordinance shall be known as the "Camden Cable Television Rate Regulation Ordinance" and will be referred to herein as "this Ordinance."

1.2 Purpose

The purpose of this Ordinance is to implement the authority conferred on cable television franchising authorities to regulate Basic Service Rates and Charges.

1.3 Authority

This Ordinance is enacted pursuant to the Cable Television and Consumer Protection and Competition Act of 1992, as amended; pursuant to regulations adopted by the Federal Communications Commission ("FCC"), including but not limited to the "FCC Rate Regulations" as defined herein; and pursuant to 30-A M.R.S.A. Section 3001, as amended.

1.4 Validity and Severability

The invalidity of any section or provision of this Ordinance shall not effect the validity of any other section or provisions of this Ordinance.

1.5 Effective Date

This Ordinance shall become effective immediately upon its approval by the municipal officers.

ARTICLE 2: DEFINITIONS

2.1 Basic Service Rates and Charges

Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

2.2 Basic Service Tier

That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator

may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.

2.3 Benchmark Approach

That theory of rate regulation which sets rates based upon "benchmarks" established by the FCC.

2.4 Cable Operator

Any cable television system operating with the Town of Camden.

2.5 Cost-of-Service Approach

That theory of rate regulation, to be initiated only by the Cable Operator, which allows the Cable Operator to charge rates in excess of the FCC benchmark rates upon a showing that the cost of providing cable service exceeds the benchmark rate.

2.6 FCC

The Federal Communications Commission

2.7 FCC Rate Regulations

Report and Order, In the Matter of Impletation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993), as amended.

2.8 Franchising Authority

The Town of Camden, acting pursuant to its authority under federal, state and local laws and regulations to authorize and oversee the provision of cable television service in Camden.

ARTICLE 3: RATE SETTING PROCEDURES

3.1 Cable Operator Submission

Within thirty (30) days of the date of the notice from the Franchising Authority to the Cable Operator, the Cable Operator shall file its rate justification with the Franchising Authority.

3.2 Franchising Authority Response

The Franchising Authority shall make a decision on the rate request within thirty (30) days after the Cable Operator submits its rate justification. The rates proposed by the Cable Operator shall automatically take effect after that 30-day period unless the Franchising Authority issues a statement that it needs additional time to make its decision.

If the Franchising Authority decides that it needs longer than the initial 30-day period to consider the rate request, it may issue a statement to that effect. Such a statement may provide for up to ninety (90) additional days to review a rate based upon a benchmark approach and up to one hundred fifty (150) additional days to review a rate request based upon a cost of service approach.

If the Franchising Authority cannot reach a decision by the end of the extended period set forth in the preceding paragraph, the rates proposed by the Cable Operator shall go into effect, subject to refund. If the Franchising Authority intends to seek refunds, it shall issue an Order to the Cable Operator prior to expiration of the time period for response, notifying the Cable Operator to keep accurate records with respect to rates.

3.3 Public Hearing Required

A public hearing shall be held in connection with every rate setting proceeding. At least ten (10) days prior to the hearing date, the Town Clerk shall publish a notice of hearing in a newspaper of general circulation in the Town of Camden. The notice shall identify the name of the Cable Operator, indicate that a rate change has been requested, and identify the time and place of the public hearing.

3.4 Proprietary Information

The Franchising Authority may require the Cable Operator to furnish proprietary information in connection with any rate setting proceeding.

3.5 Calculation of Rates and Refunds

In setting Basic Tier Rates and Changes, and in setting any refunds, the Franchising Authority shall be governed by the FCC Rate Regulations as amended. The FCC Rate Regulations shall govern notwithstanding any different or inconsistent provisions in the Franchising Agreement.

3.6 Decision of Franchising Authority

The Franchising Authority shall issue a written rate decision with appropriate findings and conclusions if the Franchising Authority:

- a. disapproves, in whole or in part, the initial rate schedule or a proposed rate increase; or
- b. approves the initial rate or proposed rate increase over the objection of an interested party Public notice must be given of any such written decision, which shall include release of the text of the written decision to the public. No written decision shall be required to approve an unopposed existing or proposed rate.

3.7 Appeals

The FCC shall have exclusive jurisdiction to hear appeals challenging whether the Franchising Authority's decision is consistent with the 1992 Cable Act or any applicable FCC rules. Any Participant in a Franchising Authority's rate regulation proceeding may appeal the Franchising Authority's decision on such grounds to the FCC within thirty (30) days of release of the public notice required under Article 3.3 of this Ordinance.

Appeals on grounds other than those stated in the preceding paragraph shall be made to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE 4: EXECUTION OF DOCUMENTS

4.1 Authority Conferred

The Chairman of the Board of Selectmen, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certifications, forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

ARTICLE 5: AMENDMENT

This Ordinance may be amended by the Municipal Officers following public hearing.

ARTICLE 6: FEDERAL LAW PREEMPTION

To the extent that any provision of this Ordinance is inconsistent with federal law or regulations now in effect or which may be later adopted, federal law shall govern.

CHAPTER VI-2
Ordinance Concerning Restraint of Dogs in Public Places
(Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands, or if a dog is located on or within a vehicle being driven or parked on streets or public ways, or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden. :

Barrett Cove
Laite Beach
Shirrtail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or otherwise within the meaning of the Ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$ \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Section 7

Notwithstanding any other provision herein, dogs shall be allowed at all times on Town-owned beaches; except that, for the annual period commencing May 1 and running through September 30, dogs may only be allowed on Town-owned beach during the hours from 6:00 pm through 8:00 am, and therefore shall be prohibited during the hours from 8:00 am through 6:00 pm.

(This Section 7 was approved by voter referendum on June 13, 2007)

Historical Note: Amended June 12, 2007

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-2
Ordinance Concerning Restraint of Dogs in Public Places
(Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands or if a dog is located on or within a vehicle being driven or parked on streets or public ways or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden:

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or other wise within the meaning of the ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Dog owners and keepers are responsible for all actions of their dogs, keeping in mind the safety of the general public and the protection of public and private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violations occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-3
Fishing Ordinance
(Now superseded by state statute)

Section 1

Making it lawful to fish for, take and have in possession white perch of the present and lawful size and number, in the waters of Megunticook or Canaan Lake and its tributaries, in the Town of Camden, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Section 2

Making it lawful to fish for, take and have in possession white perch of the present and legal size and number in Fish Pond, Hobbs Pond, and that part of Megunticook, or Canaan Lake, and their tributary waters, in the Town of Hope, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Historical Note: Adopted November 24, 1936

State Law Reference: 12 MRSA, Sec. 7035

CHAPTER VI-4 Flea Markets Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151 (5)(a), an ordinance for the regulation of the business of flea markets and other similar activities is hereby enacted.

Section 2 License Required

It shall be unlawful for any persons, firm, or corporation to engage in the business of a flea market or the purchase and sale of articles by second-hand dealers in the Town of Camden, without having first secured a license therefor from the Board of Selectmen of the Town of Camden.

This Ordinance and the licensing requirement contained herein shall pertain to any business activity commonly known as a flea market and any other related activity which involves the purchase and sale of articles by second-hand dealers. For purposes of this Ordinance, the term "flea market" shall mean a business in which articles of merchandise are sold from stalls or booths or otherwise at a temporary location. For purposes of this article, a temporary location shall mean a location for that business at which the business is operated for a period of less than six months in a period of one year.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such application shall be on a form prescribed by the Board of Selectmen, and shall state thereon the kind of merchandise to be offered for sale or purchases; and the permanent address of the person, firm or corporation engaging in the business of a flea market or other similar business activity.

Section 4 Fee

The fee for such a license shall be \$100.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one year from the date of issuance.

Section 5

No person, firm or corporation shall organize, permit or cause the operation of a flea market or other similar business activity on any street, sidewalk, park, parkway or in any other public place except with the written permission of the Board of Selectmen of the Town of Camden.

Section 6

Any applicant for a license shall specify adequate parking arrangements with regard to the location of the business activity under the license and those parking arrangements shall not impair safety of traffic on public ways and shall not cause unreasonable congestion on public ways.

Any licensee under the license granted hereunder shall take reasonable steps to assure that the business activity licensed hereunder shall not unreasonably impair safety or unreasonably cause traffic congestion on public ways.

Any licensee hereunder shall not cause or permit signs advertising the licensed activity on any public way or public place except with the express permission of the Board of Selectmen which said permission shall be specifically requested by the applicant and, if granted by the Board of Selectmen, shall be endorsed on the license.

Section 7 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$250.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each date during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151

CHAPTER VI-5 Hawking and Peddling Ordinance

Section 1 Authority

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for the regulation of the business of hawking and peddling of food and drink or merchandise at retail and regulating the business of itinerant vending of food or drink from the Food Trucks is hereby adopted. Activities such as the operation of a lemonade stand operated by a minor on the parent's property; an agricultural farm stand; and the preparation, sale and service of food, conducted by religious, charitable, educational and other non-profit institutions serving the local area, are excluded from the provisions of this Ordinance. After careful consideration, the residents of the Town of Camden find that in order to preserve the beauty of the Town and at the same time allow reasonable commercial activity on certain public property for specific Vendors for limited time periods, the regulation of hawking and peddling is necessary for the general welfare, health and safety of the public and the residents of the Town of Camden. After careful consideration, the residents of the Town of Camden find that in order to preserve the beauty of the Town and at the same time allow reasonable commercial activity on certain public property for Specific Vendors for limited time periods, the regulation of hawking and peddling is necessary for the general welfare, health and safety of the public and the residents of the Town of Camden.

Section 2 Definitions

Food Truck: A truck which has a current registration from the Maine Department of Motor Vehicles where food and/or drink is prepared and sold at retail for consumption by the public. Food trucks are not the same as peddler trucks and/or peddler carts.

Hawker: Any person operating on public property selling, or offering for sale, to the general public, merchandise from a movable structure.

Hawking and Peddling: The business of a person who travels from place to place for the purpose of selling food, drink or merchandise at retail to the general public.

Peddler: Any person operating on public property selling, or offering for sale, to the general public, food from a temporary movable structure such as a Peddler Cart, a Peddler Truck, a tent pop-up canopy or a Food Truck.

Peddler Cart: Any stand, cart or push cart capable of being moved, which is designed and constructed to permit the preparation, sale and serving of food exclusively to the public. This cart is a temporary, mobile structure which is located in a specific place on a parcel of land and is not permanently affixed to either to the ground or to a permanent structure.

Any stand, cart or push cart which is not capable of being moved shall be considered to be a structure and not covered by this Ordinance.

Peddler Truck: A truck, which has a current Department of Motor Vehicle license, from which only unprocessed food such as, but not limited to, seafood, fruits and vegetables are sold and is located on public property or on the street right-of-way subject to conformance with all traffic regulations.

Public Property: Real property located within the Town of Camden in which the Town of Camden has some right title and interest, be it by fee title, easement, lease or license, including but not limited to all Town Ways and Public Easements. The Select Board is hereby authorized, from time to time, to exempt any Public Property from the scope of this definition, in its sole discretion.

Section 3 Vendor's License Required

It shall be unlawful for any person, firm or corporation to engage in the business of hawking and peddling of any food, drink, merchandise, article or thing without having first secured a vendor's license therefor from the Select Board of the Town of Camden or its designee, except for any such person, firm or corporation listed in the following paragraph who is not involved in the business of itinerant vending of food and drink or merchandise at retail. Subject to the mandatory requirements of Section 4 herein, the terms of each vendor's license shall be as determined by the Select Board, in its sole discretion with due consideration of the public health, safety and welfare. Issuance of any vendor's license shall be a permissive act of the Select Board; no person shall have a right to obtain a vendor's license.

This ordinance does not apply to person's selling merchandise by sample, list or catalogue for future deliveries; farm, dairy, orchard, fish, and forest products of their own production; newspapers and religious literature; unless such firm or corporation is engaged in the business of itinerant vending of merchandise at retail. By adoption of this Ordinance, the activity of hawking and peddling is hereby approved in all zones within the Town of Camden, and shall not be considered a "Use" of real property as regulated by the Zoning Ordinance of the Town of Camden.

Section 4 Application for a Vendor's License

Applications for such licenses shall be made to the Select Board by delivery of such application to the Town Clerk; and such applications shall be on a form prescribed by the Select Board, and shall state thereon the description and number of vehicles, if any, intended to be operated in connection with the business for which a license is required, the kind of merchandise to be hawked or peddled; and the permanent address of the hawker or peddler.

Application for a vendor's license shall be on a form prescribed by the Select Board or its designee. At a minimum, a vendor's license for Hawkers and Peddlers shall specify:

- i) The Hawker or Peddler must have received preliminary approval to participate in an event that has received approval from the Select Board or its designee;
- ii) The Hawker or Peddler must be located on Town-owned property.
- iii) Business cannot be conducted outside the timeframes of the specific event noted above;
- iv) Amplified customer notification systems and amplified music are prohibited;
- v) Exterior lighting shall not create unreasonable glare and shall not be localized lighting that is used with the peddler truck or cart for the purpose of food preparation and used on the exterior of the peddler truck or cart for menu focused, minimal menu illumination;
- vi) Signage shall be limited to externally illuminated on-truck signs and menu signs; the size and location of signs shall be determined by the Select Board, in its sole reasonable discretion; provided however, the Select Board shall give due consideration, but not be bound by, the maximum allowable sign specifications for each zone as described in Article XI, Section 11, of the Camden Zoning Ordinance shall be prohibited; otherwise, Article XI of the Camden Zoning Ordinance shall not apply to a Peddler Cart or Truck which is the subject of a duly authorized Vendor's Contract.
- vii) Hawkers and Peddlers shall not verbally solicit business from pedestrians or persons in vehicles or conduct sales to persons in vehicles;
- viii) Hawkers and Peddlers of food or drink shall obtain all required municipal and state inspections and licenses prior to the sale of any food or drink.

Section 5 Hawkers and Peddlers

No hawker or peddler shall ply his trade on any street, sidewalk, park, or parkway or any other public place unless the Vendor's Contract hereunder specifies that peddling and hawking in such places is permitted thereunder.

Section 5 Fees

The fee for such a license shall be \$50.00 for each event on public property; and \$100 for those on non-public property, the duration of such non-public property license shall be one (1) year from the date of issuance. The fee shall be payable with the submission for the license.

Section 6 Hawkers and Peddlers

No hawker or peddler shall ply his trade on any street, sidewalk, park, parkway or any other public place unless the vendor's license hereunder specifies that peddling and hawking in such places is permitted. Thereunder.

Section 7 Penalties

Any person, firm, or corporation violating any provision of this ordinance shall be subject to the General Enforcement Ordinance, and therefore fined not less than \$100.00 nor more than \$2,500.00 or for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 32 MRSA, Sec. 4681 et seq.; 9 MRSA, Sec. 5001 et seq.; 9-A, Sec. 3-501 et seq. **Amended June 13, 2018** Annual Town Meeting, see 30-A MRSA Section 3001 et seq.

CHAPTER VI-6 House Trailer Ordinance

No house trailer, as defined in Title 36, Section 1481, shall be moved over the highways of this State through use of dealer plates or transporter plates unless the operator of the vehicle hauling such trailer has in his possession a written certificate from the tax collector of the municipality from which the trailer is being moved, identifying the trailer and stating that all property taxes applicable to the trailer, including the current tax year, have been paid, or that the trailer is exempt from such taxes. The tax year shall be the period from April 1 through March 31.

Section 1481 of Title 36 defines a "house trailer" (not including a camp trailer) as

"A trailer or semi-trailer which is designed, constructed and equipped as a permanent or temporary dwelling place, living abode or sleeping place and is equipped for use as a conveyance on highways, or

"A trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer . . . but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier."

Also, no house trailer shall be moved into or from the Town of Camden without a permit from the Code Enforcement Officer.

Historical Note: State statute effective October 1, 1969

State Law Reference: 29 MRSA, Sec. 354(5) (formerly 29 MRSA, Sec. 336(4))

CHAPTER VI – 7

An Ordinance to Establish a Parking Trust Fund – 1999

Preamble. Article X, Part II, Section 4(2)(c)(5)(ii) of the Zoning Ordinance of the Town of Camden, Maine states that the off-street parking requirements of Article X, Section 4 of the Zoning Ordinance shall be waived upon application to the Zoning Board of Appeals, in the event that a Parking Trust Fund has been established by the Town of Camden for the Downtown Business (B-1) District, the Transitional River Business District (B-TR), and the Harbor Business (B-H) District and in the further event that the applicant demonstrates that the applicant is a participant in that Trust Fund, hereinafter referred to as the “Fund”, financed through a fee mechanism which, once established, shall constitute a method by which property owners in the B-1, B-TR and B-H Districts of the Town of Camden can qualify for a waiver of the off-street parking requirements.

In the Town of Camden, the pressure of development combined with the ongoing growth in tourism has caused a significant and annually-increasing problem with parking in the Downtown and Harbor areas. That parking problem has resulted in a number of adverse effects for the Town of Camden including , without limitation, significant traffic problems and an inability of residents and non-residents to find parking in the Downtown and Harbor areas of the Town within a reasonable period of time, with a consequent loss of business for the Town and significant inconvenience for its residents.

The purpose of a Parking Trust Fund Ordinance is to establish a fund for the construction or expansion of municipal off-street parking facilities, and to provide a means to reduce the parking problem. By contribution to this fund, property owners in the B-1 , the B-TR, and the B-H Districts, in which the parking problem is particularly acute, will advance a solution to the parking problem which will benefit those individuals and businesses contributing to the Fund, and also be of wider benefit to the entire community.

Accordingly, the Parking Trust Fund Ordinance is enacted pursuant to the Home Rule powers of the municipality (Title 30-A M.R.S.A. §3001), in order to provide a mechanism which will allow participants in the Fund to meet the off-street parking requirements by a waiver of those requirements, without sacrificing the purposes of the off-street parking requirements.

The actual cost of construction is estimated to be \$6,000.00 to \$10,000.00 per space for ground-floor parking spaces and \$10,000.00 to \$17,000.00 per space for decked parking spaces. In order to encourage the use of the Fund mechanism, it is deemed beneficial to establish a Fund fee which is less than the anticipated actual cost of construction on the basis of the estimated cost of each parking space.

Section 1: Parking Trust Fund.

A Parking Trust Fund is hereby established by the Town of Camden. The Trustee of the Parking Trust Fund shall be the Town Manager of the Town of Camden. The appointment of the Town Manager as the Trustee shall be made by the Board of Selectmen as an annual appointment, no later than August 1 of each year.

Section 2: Powers and Duties of the Trustee.

The powers and duties of the Trustee of the Fund shall be as set forth in the Parking Trust Fund Agreement, hereinafter referred to as the “Trust”, a copy of which is attached to this ordinance and incorporated by reference herein.

Section 3: Purpose of the Parking Trust Fund.

All fees contributed to the Fund shall be dedicated to the construction of municipal off-street parking facilities in accordance with plans for such construction approved by the Board of Selectmen, or for other purposes which enhance solutions to the parking problem in the Town of Camden, including, without limitation, the following purposes:

- (1) Expansion of an existing municipal parking facility;
- (2) Land acquisition costs for an existing municipal parking facility or for a proposed parking facility; and
- (3) Research and implementation of other solutions to the parking problem.

Section 4: Parking Trust Fund Fee.

In the B-1, the B-TR, and B-H Districts of the Zoning Ordinance of the Town of Camden, any applicant for a building permit, or other persons subject to the requirements of Article X, Section 4(2)(C) of the Zoning Ordinance, may apply to the Board of Appeals for a waiver of those off-street parking requirements by submitting an application to the Board of Appeals, together with such information as may reasonably be required by the Board of Appeals. The application shall specifically state the number of parking spaces which would be required of the applicant in order to meet the off-street parking requirements of the Zoning Ordinance for the proposed use, the specific number of parking spaces for which the applicant seeks a waiver, and a statement of the Parking Trust Fund fee (hereinafter referred to as the “Fee”) which must be paid by the applicant in order to qualify for the waiver.

The Fee shall be calculated by multiplying the number of parking spaces for which the applicant seeks a waiver by the sum of Four Thousand Five Hundred Dollars (\$4,500.00).

Section 5: Board of Appeals Action on Application for Waiver.

Upon receipt of an application for a waiver of the off-street parking requirements, the Board of Appeals shall act upon that application within thirty (30) days of the date of receipt of that application.

Failure of the Board of Appeals to act upon such an application within thirty (30) days of the date of receipt of that application shall constitute a denial of that application.

Upon receipt of a proper application, containing all of the information reasonably required by the Board of Appeals, the Board of Appeals shall approve that application for a waiver, so long as the applicant meets the following standards:

- (1) The applicant has standing to make the application.
- (2) The applicant has not established any other uses on the land which is subject to the application, or on any other land located in the Town of Camden, which illegally violates the off-street parking requirements of the Zoning Ordinance of the Town of Camden.
- (3) The use of the land for which the applicant requests a waiver is a legal and permissible use in the zoning district in which the applicant's property is located, and any special exceptions necessary to make that use legal, or any variances which must be granted by the Board of Appeals in connection with that use, or any other approval by the Board of Appeals that is necessary in connection with that proposed use, have been approved by the Board of Appeals prior to action on the application for a waiver of the off-street parking requirements.
- (4) In the event that the waiver is requested for fewer than the required number of off-street parking spaces, then the applicant's proposed use, with the waiver, will thereafter comply with the off-street parking requirements.

Section 6: Issuance of Waiver by the Board of Appeals.

Any waiver of the off-street parking requirements by the Board of Appeals, as set forth in Section 5 of this Ordinance, shall be subject to the condition that the waiver shall be effective only in the event that the entire amount of the Fee is paid to the Parking Trust prior to the expiration of a period of sixty (60) days from the date of approval. In the event that the applicant fails or omits to pay the Fee to the Trustee of the Fund within that sixty-day period, then the approval of the waiver shall become null and void and, in addition, the applicant shall not be permitted to make another application to the Board of Appeals for a waiver for a period of one year from the date of the initial approval. The payment of the Fee shall be made to the Code Enforcement Officer, who shall promptly deliver the Fee to the Trustee. The Code Enforcement Officer shall certify the date of payment, in writing, to the Board of Appeals.

Section 7: Segregation of Parking Trust Fund Fees.

All of the Fees contributed to the Trustee of the Fund shall be segregated from the municipality's general revenues. The Fees shall be expended solely for the purpose of construction or expansion of municipal off-street parking facilities by the Town of Camden, or for such other uses which assist the Town in solving the parking problem in the Town by providing additional parking for the general public in the vicinity of the B-1, the B-TR, and the B-H Districts.

Section 8: Schedule for Construction of a Parking Facility.

Within two (2) years of the date of enactment of this Ordinance, the Board of Selectmen shall establish a specific schedule for the construction of a municipal off-street parking facility utilizing, in part, the Fund. In the event that construction of the municipal off-street parking facility does not commence prior to November 7, 2004, then the Fund shall

refund, to each person, who contributed the Fee to the Parking Trust Fund as set forth in Section 6 above, any unexpended portion of the Parking Trust Fund Fee as of such date (November 7, 2004) in the proportion which that person's contribution to the Trust Fund bears to the total contributions made to that Fund as of that date, unless the deadline is extended by the Board of Selectmen. In the event that construction of the municipal off street parking facility has not commenced as of November 7, 2004, then the Board of Selectmen may, by a vote of that Board, extend the deadline for commencement of construction for a period of time not to exceed five (5) years, and any refund shall be calculated and payable after the date as extended.

Accrued interest on the Fund, after deduction of expenses of administration of the Trust, shall thereafter be delivered by the Trustee to the Town to be held in a segregated account dedicated to parking activities, such as studies of parking solutions.

Any person who received a waiver from the off-street parking requirement in accordance with the "Ordinance to Establish a Parking Trust Fund" enacted on November 7, 1989, shall not receive a refund as set forth in Section 8 of this Ordinance. Any such person making a contribution to the Parking Trust Fund prior to the date of enactment of this Ordinance shall remain subject to the provisions of Section 8 of "An Ordinance to Establish a Parking Trust Fund" which was enacted on November 7, 1989 and any refund of the Fee paid to the Parking Trust Fund for such person shall be determined in accordance with Section 8 of that prior Ordinance.

Section 9: Denial of Waiver.

In the event that the application for a waiver of the off-street parking requirements is denied, then the applicant's proposed use must comply with the off-street parking requirements of Article X, Part II, Section 4(2)(c) of the Zoning Ordinance of the Town of Camden. Such denial shall be in writing and shall contain sufficient findings of fact to inform the applicant of the reasons for denial.

Section 10: Periodic Review.

The Board of Selectmen shall review, at intervals of five (5) years from the date of enactment of this Ordinance, the operations of the Fund. At the election of the Board of Selectmen, the Fund may be audited periodically by an accountant.

As part of the periodic review of the Fund, the Selectmen shall determine the extent to which the initial Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space is appropriate. Upon a determination by the Board of Selectmen that such Fee is inappropriate, based upon actual construction costs, then the Board of Selectmen may cause an increase or decrease in the Fee for any person making an application for a waiver after the date of any determination by the Board of Selectmen that such Fee is inappropriate.

As of the date of enactment of this Ordinance, and for all prior years in which contributions were made into the Parking Trust Fund in accordance with the Ordinance for such a Parking Trust Fund adopted on November 7, 1989, the Parking Trust Fund Fee in the

amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space shall be deemed reasonable and that Fee shall not be considered excessive for any such prior year.

Section 11: Appeal to Superior Court (80-B).

Any denial or adverse decision may be appealed by an aggrieved party with standing to the Superior Court, by filing a complaint for review of governmental action in accordance with Rule 80-B of the *Maine Rules of Civil Procedure* within thirty (30) days of the date of the decision of the Board of Appeals.

Section 12: Waiver – Succeeding Businesses.

In the event that the Board of Appeals permits a waiver of the off-street parking requirements in conformity with Section 6 of this Ordinance, then any such waiver shall apply to any succeeding business resulting from a sale or conveyance of the business of the applicant for a waiver, so long as the succeeding business is in the same category of use, for purposes of determining the parking requirements, as the business for which the waiver was originally granted.

Section 13: Contributions to Parking Trust Fund Prior to Date of Enactment.

Any contribution to the Parking Trust Fund which occurs prior to the date of enactment of this Ordinance shall be held by the Trustee in accordance with the provisions of this Ordinance, except as otherwise expressly stated in this Ordinance.

CHAPTER VI-10

Policy of Shade Tree Removal

Section 1 - Preamble

The Town of Camden hereby adopts the following public shade tree ordinance in order to regulate the removal, pruning, and planting and maintenance of public shade trees within the limits of any Town road or public right of way and of trees located on public property.

Section 2 - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, M.R.S.A., 3001.

Section 3 - Definitions

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Public Trees-All trees located upon any public property owned by the Town of Camden
- 3.3 Public Shade Trees-All trees within or upon the limits of any Town road, public right of way, or any highway within the meaning of Title 30-A, M.R.S.A., 3281
- 3.4 Tree Warden-An official of the Town of Camden appointed by the Board of Selectmen who shall have the care and control of all public shade trees upon and along Town roads and public rights of way and in the parks and public lands of the Town of Camden, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this Section shall have a meaning consistent with Title 30-A, M.R.S.A. to the extent that such term is defined in that Title; any terms which are not defined in that Title shall have a meaning consistent with common usage.

Section 4 - Appointment of Tree Warden

Within thirty (30) days of the annual Town Meeting, a Tree Warden and an Alternate Tree Warden shall be appointed annually by the Board of Selectmen, each for a term of one (1) year.

The Alternate Tree Warden shall serve in the absence of the Tree Warden.

Section 5 - Prohibition

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the Tree Warden for those actions.

Section 6.0- Request for Consent from Tree Warden

6.1 Written request-Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the Tree Warden and shall state specifically the action intended to be taken by that person concerning a public shade tree or public tree.

6.2 Written Decision-Within ten (10) days of receipt of a written request pursuant to Section 6.1, the Tree Warden shall approve the request, approve the request with conditions, or deny the request in a written decision mailed to the person making the request.

The Tree Warden shall have the authority to impose reasonable conditions upon approval of the request in order to preserve and maintain public shade trees or public trees; and in order to protect the safety and convenience of the Town roads, highways, public rights of way, and public lands.

Section 7 - Appeal

In the event that a person making a request is aggrieved by the decision of the Tree Warden, then such a person shall have the right to appeal the decision of the Tree Warden to the Board of Selectmen within ten (10) days of the date of the decision of the Tree Warden. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the Board of Selectmen, the Board shall hold a public hearing within thirty (30) days, and thereafter deny the appeal or overturn the decision of the Tree Warden.

Section 8 - Guidelines for Cutting or Altering of Public Shade Trees

After a public hearing, the Board of Selectmen shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Tree Warden shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 - Penalties

Any person who violates the provisions of this ordinance or fails to seek approval of a request pursuant to this ordinance shall commit a civil violation for which a penalty may be assessed as follows:

- a) A penalty of up to Five Hundred Dollars (\$500.00) may be adjudged for the cutting down or removal of any public shade tree or public tree in violation of this ordinance;
- b) A penalty of up to Two Hundred Fifty Dollars (\$250.00) may be Adjudged for any pruning, planting, or altering of a public shade tree or public tree in violation of this ordinance.

The penalties set forth may be adjudged, upon complaint, by the municipality to the District Court or the Superior Court.

Section 10 -Abatement and Injunction

In addition to the penalties set forth above, the Tree Warden, on behalf of the Town, may seek an abatement of the violation, or injunctive relief, including an award of reasonable attorney fees from the District Court or the Superior Court.

Section 11-Severability

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12-Other Laws and Ordinances

This ordinance shall not prohibit or prevent the Town from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the Board of Selectmen for the following purposes:

- a) To layout, alter or widen the location of Town roads or highways;
- b) To lessen the danger of travel on Town roads or highways
- c) or To suppress tree pests or insects.

The consent of the Tree Warden is not required for pruning, cutting or removal of trees by the Town for the foregoing purposes set forth in Section 12 of this ordinance. The consent of the Tree Warden is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public park and other public facilities which are managed by the Parks and Recreation Department of the Town of Camden. The Town shall, however, conform to any guidelines adopted pursuant to Section 8.0 of this ordinance in any actions taken for the foregoing purposes.

Historical Note: Adopted November 8, 1994

Chapter VI- 12

CAMDEN CONSERVATION COMMISSION ORDINANCE

Section 1 Commission established.

A conservation commission is hereby established pursuant to Title 30-A, Sections 3261-3263, M.R.S.A. to consist of seven (7) members appointed by the Board of Selectmen, all of whom shall be residents of the Town. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the Board of Selectmen shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of one-third of the members shall expire each year.

Section 2 Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the Town.

Section 3 Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4 Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the Town;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) May keep an index of all open areas within the Town, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the Board of Selectmen or to any board of the Town or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;

- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall undertake any other conservation or environmental activity referred to it by the Board of Selectmen.
- (g) May recommend to the Selectmen the acceptance of gifts in the municipality's name for any of the Commission's purposes.
- (h) Shall carry out the guidelines in the Camden Community Forest Management Plan approved by the Board of Selectmen.

Section 5 Officers, meetings and records.

- (a) The members shall annually elect from their membership a chairperson, a vice-chairperson and a secretary.
- (b) All meetings of the Conservation Commission shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (c) Minutes shall be kept of all meetings.

Section 6 Limits of authority.

Nothing contained within this section shall supersede the provisions of the Town Charter, the Code Book of the Town of Camden. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

Adopted by the voters of the Town of Camden on June 8, 1999.

CHAPTER VI - 13

Tour Bus Ordinance

Pursuant to Title 30 of the Maine Revised Statutes, Sec 2151-A and Sec. 2152-C (2) (A), and under the Home Rule Authority of the Town of Camden, the Municipal Officers hereby enact an Ordinance governing the loading and unloading of tour buses and the parking of tour buses.

The purpose of this Ordinance shall be to relieve traffic and parking congestion and encourage safety in the loading and unloading of tour buses in the Town of Camden.

Section 1 Loading and Unloading

Tour buses loading and unloading passengers in the Town of Camden shall cause such passengers to be loaded and unloaded only in areas designated for that purpose in the Town of Camden. Areas for that purpose designated by the Town of Camden shall be properly marked and signed.

Section 2 Downtown Parking

Tour buses shall only park for durations no longer than 15 minutes for loading and unloading in designated parking areas. The Town shall designate and properly sign certain locations within downtown Camden for purposes of such parking.

Section 3 Definition of Tour Bus

For purposes of this Ordinance, tour buses shall mean all buses which transport tourists or other visitors to the Town of Camden for stays of a duration less than one (1) week, except Greyhound buses using the Town of Camden as an intermediate stop on a regular route.

Section 4 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined Two Hundred Dollars (\$200) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a Court of competent jurisdiction to the use of the municipality.

Any violation of this Ordinance shall be considered a traffic infraction.

Any person, firm or corporation charged with violation of this Ordinance may waive all court action by payment of the fine within ten (10) days after notice to such violator of the violation.

Historical Note: Adopted June 13, 1988; amended June 6, 1994 Selectmen's Minutes.

CHAPTER VI - 14

DISBURSEMENT OF MUNICIPAL FUNDS ORDINANCE

Section 1 – Preamble

The Town of Camden hereby adopts the following ordinance to provide an alternative to the statutory procedure for approval of warrants authorizing the Treasurer to disburse money.

Section 2 – Statutory Basis for Enactment

This Ordinance is enacted pursuant to the provisions of Title 30-A M.R.S.A. 5604 (2) (A) and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A. 3001.

Section 3 – Disbursement of Municipal Funds – General Procedure

Except as otherwise stated in this Ordinance, the Treasurer may disburse money only on the authority of a warrant drawn for that purpose upon a warrant which is either:

- (a) Affirmatively voted and signed by the majority of the Board of Selectmen at a duly called meeting of that Board,
- (b) Seen and signed by at least, three members of the Board of Selectmen acting individually and separately, or
- (c) Signed as otherwise provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs in accordance with Title 30-A M.R.S.A. 5603 (2)(A) (1) and (2).

Section 4 – Disbursements From Trust Funds Held by Town

The Treasurer may disburse money from any trust funds held by the Town of Camden, only on the authority of a warrant drawn for that purpose, signed by, at least, a majority of the members of the Board of Selectmen pursuant to Section 3(b) above, and in accordance with a decision of the members of the Trust Fund Advisory Committee. The Trust Fund Advisory shall be composed of the Selectmen designated by the Chairman, the Town Manager, and Office Manager/Bookkeeper of the Town of Camden. All disbursements for expenditures of such trust funds shall be in accordance with the terms and conditions set forth in any will, trust, or other document which creates the fund. In the absence of terms and conditions in such a will, the Trust Fund Advisory Committee shall have the authority to exercise discretion in the development of criteria for the trust fund.

The procedure for the disbursement of money from trust funds of the Town shall apply to the following trust funds and any other trust funds held by the Town:

- (1) Charles Wood Charitable Fund
- (2) Nellie Knowlton Fund
- (3) Firewood Charity Fund;
- (4) Citizens for Donations for Worthy Poor Fund

These policies and procedures adopted by the Board of Selectmen may permit the disbursement of funds and money for such projects and special purposes on authority of a warrant for that purpose which has been signed by one or more Selectmen designated by the Board of Selectmen. Upon adoption, any such policy must be filed with the Town Clerk and the Municipal Treasurer and renewed annually by a vote of the Board of Selectmen.

Adopted at Town Meeting June 12, 1996.

CHAPTER VI - 15

Public Library Ordinance

Preamble:

The purpose of this ordinance is the modification and clarification of prior Town votes in 1896 and 1926 concerning the Camden Public Library in order to reflect contemporary considerations consistent with the Home Rule Authority of the Town, and State law concerning public libraries set forth in Title 27 M.R.S.A. §101.

Article I - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions of Title 30-A, M.R.S.A. §3001, and pursuant to the provisions of Title 27, M.R.S.A. §101-109, inclusive.

Article II - Establishment of Public Library

There shall be a public library of the Town, known as the "Camden Public Library." The purpose of the public library shall be to provide the inhabitants of the Town of Camden, and surrounding communities with public library services and facilities.

Article III - Governing Board

The governing board of the Camden Public Library shall be the Board of Trustees.

Article IV - Appointment of the Board of Trustees

The initial Board of Trustees shall be the Board of Trustees of the Camden Public Library which is in office as of the date of the Town Meeting at which this ordinance is enacted. The names and addresses of the initial Board of Trustees are attached to this ordinance as Exhibit A.

The initial Board of Trustees, and all subsequent Boards, shall consist of the number of members set forth in the By-laws each serving a three-year term, with the term of each member of the initial Board of Trustees commencing on the date of enactment of this ordinance and ending on the date set forth in Exhibit A.

New members of the Board of Trustees shall be elected by the Board of Trustees in accordance with the Bylaws of the Board of Trustees, subject to confirmation by the Board of Selectmen. The election of a new member shall be reported in writing by the President of the Board of Trustees to the Board of Selectmen within ten (10) days of the date of election. The Board of Selectmen shall act upon confirmation of a new member of the Board of Trustees within thirty (30) days of its receipt of that report.

The Board of Selectmen may appoint one member of the Board of Selectmen to act as a liaison between the Board of Selectmen and the Board of Trustees, and the Selectman so appointed may attend all meetings of the Board of Trustees.

Article V - Bylaws of the Board of Trustees

The Bylaws of the Board of Trustees in force at the time of enactment of this ordinance, a copy of which is attached to this ordinance as Exhibit B, shall govern the conduct of the Trustees. Amendments to the Bylaws shall be made by the Trustees in accordance with the Bylaws subject to confirmation of each amendment by the Board of Selectmen within thirty (30) days of receipt of Bylaw amendments by the Board of Selectmen.

Adopted at Annual Town Meeting on 6/8/99

Chapter VI-16
ORDINANCE CONCERNING THE OPERATION AND MAINTENANCE
OF THE MOUNTAIN VIEW CEMETERY AND THE OAK HILL CEMETERY
IN THE TOWN OF CAMDEN

PREAMBLE

Consistent with the historical relationship between the Camden Cemetery Association and the Town of Camden, this Ordinance is enacted to reflect contemporary considerations for the Town's cemeteries and in accordance with the Home Rule Authority of the Town.

ARTICLE I: AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, MRSA Section 3001 and Title 13 MRSA Section 1373.

ARTICLE II: PUBLIC CEMETERIES

There are two public cemeteries in the Town of Camden: Mountain View Cemetery and the Oak Hill Cemetery. The purpose of the Cemetery Association shall be to provide the inhabitants of the Town of Camden, inhabitants of surrounding towns and communities, and families and individuals who may contract with the Town of Camden from time to time for the burial and internment of human bodies and for other services and facilities normally associated with a public cemetery, including any future cemeteries in the Town.

ARTICLE III: GOVERNING BODY

The governing body of the Cemetery Association shall be the Board of Trustees.

ARTICLE IV: APPOINTMENT OF THE BOARD OF TRUSTEES

The initial Board of Trustees shall be the Board of Trustees of the Camden Cemetery Association, which is in office as of the date of the Town Meeting at which this Ordinance is enacted. A copy of the names and addresses of the members of the Board of Trustees in office as of June 9, 1999 is attached to this ordinance.

The initial Board of Trustees shall consist of seven members with staggered terms as follows: Three members shall serve a three year term, commencing July 31, 1999 and expiring on July 31, 2002; two members shall serve a two year term, commencing July 31, 1999 and expiring on July 31, 2001, and two members shall serve a one year term, commencing July 31, 1999 and expiring on July 31, 2000.

Following the establishment of the Board of Trustees, vacancies in the Board of Trustees, by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Selectmen of a person to fill each such vacancy, as the vacancy occurs. The Town of Camden Finance supervisor will be an ex-officio member of the Board of Trustees.

Each new appointee shall assume office, and that appointee's term of office shall commence as of the date of appointment by the Board of Selectmen.

ARTICLE V: OFFICERS OF THE BOARD OF TRUSTEES

The Board of Trustees shall elect a chairperson and a vice chairperson. The finance supervisor shall serve as the recording secretary. The foregoing officials shall be the officers of the Board of Trustees and shall serve in that capacity for a term of one year, or until his or her successor shall be elected by a subsequent Board of Trustees.

ARTICLE VI: MEETINGS OF THE BOARD

Meetings of the Board of Trustees shall be held at such times as the Board may determine. Special meetings of the Board of Trustees may be called by the Chairperson or, in the case of the disability or absence of the Chairperson, by the Vice Chairperson, upon notice to each Board member as well as to the public of each such special meeting, no less than three days prior to each special meeting. All meetings of the Board of Trustees, with the exception of executive sessions permitted by law, shall be public meetings and the public shall be permitted to attend.

ARTICLE VII: POWERS, AUTHORITY, AND DUTIES OF THE BOARD

The Board of Trustees shall have the power, authority, and duty to manage and to control the public cemeteries, in all things connected with those cemeteries, including the authority to:

- A. Engage the services of independent contractors and companies for maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- B. Coordinate and monitor the hiring and supervision of employees of the Town providing work and services for the maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- C. Accept gifts and endowments for the use of the Cemetery Association in the operation, maintenance and preservation of the public cemeteries, subject to the requirement that the acceptance of all such gifts and endowments shall be confirmed by the Board of Selectmen of the Town;
- D. Purchase and arrange for the purchase of all materials, equipment, and supplies for the operation, maintenance, and preservation of the public cemeteries;
- E. Direct the expenditure of Cemetery Association funds.
- F. Direct the investment of Cemetery Association funds, in consultation with the Board of selectmen of the Town and in accordance with the provisions of Article X of this ordinance.

- G. Establish bylaws and regulations for the operation and management of the public cemeteries, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and
- H. Engage in all functions and perform all duties required for the operation, maintenance, management, and preservation of the Mountain View Cemetery, the Oak Hill Cemetery, and any other public cemeteries of the Town of Camden.

ARTICLE VIII: SEXTON

The Board of Trustees shall appoint a Sexton who will work under the direction of the Board of Trustees; for purposes of the Town's personnel policies, the Finance Supervisor of the Town shall be the supervisor of the Sexton. Among other duties assigned to the Sexton, the Sexton shall be responsible for the location of grave sites, and coordinating grave openings and closings.

ARTICLE IX: TOWN FINANCE SUPERVISOR

The Town finance supervisor shall serve as a financial assistant to the Board of Trustees for the purpose of providing monthly financial information on Cemetery Association revenues and expenses.

ARTICLE X: DONATIONS AND CEMETERY ASSOCIATION FUNDS

All funds that have been donated to the Town of Camden or to the Cemetery Association for the use of the Mountain View Cemetery, the Oak Hill Cemetery, or any other public cemetery in the Town, and all cemetery revenues, shall be held in the name of the Cemetery Association. The Board of Trustees shall be responsible for the investment and management of all such Cemetery Association funds, or funds resulting from donations to the Town for cemetery purposes.

With the concurrence of the Board of Selectmen, the Board of Trustees shall make decisions concerning the investment of Cemetery Association funds and Town funds.

As directed by the Board of Selectmen, in consultation with the Cemetery Association, the Treasurer of the Town shall invest Cemetery Association funds in accordance with the provisions of Title 30-A MRSA Section 5706. Cemetery Association trust funds and funds donated to the Town for cemetery purposes may be pooled with other Town trust funds for investment purposes, as directed by the Board of Selectmen. In the event that such funds are pooled with other Town trust funds, the interest and income earned on those funds shall be segregated from other income and such interest and income shall be used exclusively for the purposes of the public cemeteries of the Town. In the event that any instruments of donation or gifts to the Cemetery Association or the Town contain restrictions or limitations on the investment of those funds, then those funds shall be invested in compliance with those restrictions and limitations.

ARTICLE XI: CEMETERY BUDGET

The Board of Trustees shall be responsible for the preparation of the annual budget. The Board of Trustees shall develop an annual operating and capital budget showing line item expenses and supporting revenue. The annual budget for the Cemetery Association shall show the investment of all funds and donations, and the expenditures anticipated for the operation of the cemeteries for the budgetary year.

ARTICLE XII: APPLICABILITY OF PERSONNEL POLICIES

Except as otherwise stated in this Ordinance, all employees of the Town working at the public cemeteries, including the Sexton, shall be subject to the personnel policies of the Town of Camden.

ARTICLE XIII: AUTHORITY TO HIRE INDEPENDENT CONTRACTORS

The Board of Trustees shall have the authority to engage independent contractors for purposes of providing services for the maintenance, care, repair, and preservation of the public cemeteries, and equipment and facilities associated with those cemeteries. Independent contractors shall be engaged for such work on terms and conditions approved by the Board of Trustees. Independent contractors shall not be considered employees of the Town of Camden or the Cemetery Association and shall not be subject to the personnel policies of the Town.

ARTICLE XIV: OWNERSHIP OF CEMETERIES

All cemeteries, cemetery lots, and portions of public cemeteries located in the Mountain View Cemetery and the Oak Hill Cemetery shall be owned by the Town of Camden, including all portions of cemeteries or cemetery lots conveyed to the Camden Cemetery Association, unless ownership by the Town of Camden violates a restrictive covenant or prohibition set forth in a deed concerning a portion of a cemetery or a cemetery lot. The Camden Cemetery Association shall execute deeds and other instruments for recording in the Knox County Registry of Deeds conveying all such interest in the cemeteries, cemetery lots, and portions of public cemeteries to the Town of Camden.

ARTICLE XV: EFFECTIVE DATE

This Ordinance shall take full force in effect on the date of enactment of this Ordinance at a Town Meeting of the Town of Camden.

ARTICLE XVI: PRIOR CEMETERY ORDINANCES

Upon enactment of this Ordinance, this Ordinance shall supersede any other ordinance or operating arrangement between the Town of Camden and the Camden Cemetery Association, and any prior ordinance is repealed. All cemetery facilities, including equipment, supplies, and materials, shall be transferred to the Town of Camden under the supervision of the Board of Trustees as established by this Ordinance.

Adopted by the voters of the Town of Camden on June 8, 1999.

Chapter VI-17 GENERAL ENFORCEMENT ORDINANCE

The purpose of this Ordinance is to provide an enforcement mechanism for any and all Ordinances duly adopted within the Town of Camden, which do not therein delegate a specific enforcement authority to issue notice of violation letters and subsequently prosecute ordinance violations.

1. **EFFECTIVE DATE:** This ordinance shall be effective upon adoption of the voters of the Town of Camden.

2. **AUTHORITY:** The following responsibilities for enforcement are allocated as follows:
 - a. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce the Flea Market Ordinance, the Hawkers and Peddlers Ordinance, the House Trailer Ordinance and the Newspaper Vending Rack Ordinance, all as amended from time to time.

 - b. The Chief of Police or his authorized representative of the Camden Police Department is hereby authorized and shall enforce all parts and sub-parts of the Town of Camden Police Ordinance, as amended from time to time.

 - c. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce all other Ordinances of the Town of Camden for which there is no specific enforcement officer identified therein.

This Ordinance shall not affect or modify enforcement authority previously established in any Ordinance of the Town of Camden or any State Law to the extent that it conflicts with the provisions of this Ordinance. The Code Enforcement Officer or the Police Chief, as described herein, are hereby authorized to issue Notices of Violation and to prosecute matters, either individually or in conjunction with the Town Attorney for the Town of Camden. Prosecution or defense of actions in District or Superior Court may proceed after it is authorized by the Select Board of the Town of Camden.

3. **PENALTIES:** The monetary civil penalties for violations of any Ordinance of the Town of Camden, which does not already specifically include a monetary penalty for violations therein, shall be as follows:
 - a. For violations of the terms and conditions of any such Ordinance there shall be a \$100.00 minimum penalty and the maximum penalty shall be \$2,500.00, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a Notice of Violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Camden, or in hand, or by certified mail, return receipt requested.

- b. In addition to the penalties provided herein, the Town of Camden through its duly appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all Ordinances of the Town of Camden, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.
 - c. As an alternative, in part or in whole, to the penalty provisions as described in subsection 3(a), the Town and violator may negotiate a community service penalty and request the Court to issue an Order of Community Service after agreement of the parties.
4. **SEVERABILITY:** If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
5. **CONFLICT WITH OTHER ORDINANCES:** Whenever the regulations of this Ordinance conflict with those of another Ordinance or Regulation, the specific terms in any other Ordinance shall control over the terms of this Ordinance.

Adopted at the June 8, 2004 Annual Town Meeting.

Chapter VI-18

TOWN OF CAMDEN CONDITIONAL GIFTING ORDINANCE

Purpose: The purpose of this Ordinance is to provide an orderly method for receiving conditional gifts, authorizing the Select Board to accept such gifts, and to provide a method for perpetual or limited term compliance with the terms of all conditional gifts accepted by the Town of Camden. This Ordinance is adopted pursuant to 30-A M.R.S.A. 5654 relating to acceptance of conditional gifts, so as to promote the general health and welfare of the people of Camden through investment and betterment of public land, buildings and facilities used and enjoyed by the public.

1. Delegation of Authority to Select Board

It is hereby found by the Inhabitants of the Town of Camden that there exists a need to provide a mechanism for acceptance of conditional gifts as are offered to the Town of Camden from time to time. The conditional gifts can take the form of tangible or intangible property. The Inhabitants of the Town of Camden hereby find that in order to adopt a more efficient and orderly process of acceptance of conditional gifts in certain circumstances as described herein, the Inhabitants of the Town of Camden hereby delegate all authority of the municipality to accept conditional gifts as referenced in 30-A M.R.S.A. 5654, as amended from time to time, to the Camden Select Board.

2. Process for gifting or naming programs initiated by the Town of Camden

In the event that the Select Board determines, after notice and public hearing, that the Town wishes to engage in solicitation of conditional gifts related to donations for development of public lands, infrastructure, fixtures, buildings or parks, the Select Board may proceed as follows:

- (a) develop a scheme of gift or naming opportunity categories, based on a predetermined level of giving, and adopt such a scheme through a set schedule;
- (b) after adoption, the scheme and schedule shall be made available to the public and posted on the Town's official website;
- (c) after initial adoption, said scheme and/or schedule may be amended from time to time as an agenda item during any duly noticed Select Board Meeting;
- (d) the terms of conditional gifting may include certain naming opportunities related to improvements on property owned by the Town of Camden or property over which the Town of Camden has rights of public access and use. The naming opportunity may include fixtures, improvements, betterments, portions or particular architectural aspects of buildings such as particular rooms, meeting areas, other particularized facilities, as well as buildings themselves; and
- (e) any such scheme relating to conditional gift solicitation shall include a detailed outline of the terms and conditions of gifting, including the duration of the naming opportunity. A naming opportunity shall not exceed a period of fifty (50) years.

3. Conditional Gifts originating from the Donor

When the Select Board receives a written notice from a prospective donor or a representative regarding a proposed conditional gift, the Select Board shall proceed as follows:

- (a) submit the matter to public hearing to receive input from the community. Input from the community may include, but not be limited to, comment relating to the amount and scope of the gift received, the type of conditions that should be attached to it, the duration of the conditions of the gift and any other related comment and/or suggestions. Select Board shall be required to consider such comments from the public, but at all times the Select Board shall retain independent discretion to accept the gift and any naming opportunity and/or other conditions associated with said prospective gift.
- (b) Notice of the hearing shall be provided in a newspaper of general circulation in the Camden area and provide for seven (7) days notice prior to hearing. The caption of the notice shall read as follows: "Consideration of Conditional Gift to the Town of Camden from (name of prospective donor)." The notice shall indicate the general conditions associated with the proposed gift as written by the prospective donor and indicate that the Select Board may or may not accept the conditions and/or may impose other conditions prior to final acceptance.

4. Deposited or invested funds

- (a) After the date upon which any conditional monetary gift, shares, bonds or other investment accounts, are received by the Town of Camden, but prior to the actual disposition of the money for the intended conditional gift, such as during a construction period prior to completion of a project, the Select Board may deposit or invest said conditional gift.
- (b) The Select Board may enter into agreement with any financial institution with trust powers authorized to do business in the State of Maine for the safekeeping of reserve funds as defined in 30-A M.R.S.A. 5801, or trust funds as defined by 30-A M.R.S.A. 5653, of the municipality; and at all times shall comply with 30-A M.R.S.A. 5706 as amended from time to time, regarding municipal deposit or investment of funds.

5. Exceptions

- (a) Gifts, testamentary or *inter vivos* trusts naming the Inhabitants of the Town of Camden as beneficiaries, shall not be subject to this Ordinance so long as there is no condition of acceptance stated in the proposed gift or trust, which would obligate the Town of Camden to incur liabilities or convey any right, title or interest in any Town asset or Town property. It is intended that acceptance of such traditional unconditional gifts and trusts will be considered through an article in the annual Town Warrant.
- (b) Town-owned Historic Buildings/Structures/Objects included within the Camden Historic Districts as depicted in the Camden Historic Area Overlay Map approved at the Camden Annual Town Meeting on June 28, 2007, and

Buildings/Structures/Objects listed on any State or Federal Register of Historic Places shall be exempt from and not subject to this Ordinance.

(c) No conditional gift may be accepted which requires any form of naming, recognition or representation of any religious or political symbols or affiliation.

6. Effective date

This Ordinance will become effective pursuant to the time frames provided in the Charter of the Town of Camden.

Historical Note: Adopted

Chapter VI-19

TOWN OF CAMDEN ORDINANCE TO REGULATE THE SALE AND/OR USE OF CONSUMER FIREWORKS

Section 1. Findings and Purpose

- (a) The Town of Camden finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to the M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.
- (b) The Town of Camden finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The Town of Camden further finds that it is in the best interests of the Town of Camden and public to prohibit the sale and use of consumer fireworks in the Town of Camden by adopting local ordinance provisions, as allowed by the relevant State law.

Section 2. Definitions

The following definitions shall apply in this section:

- (a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. “Consumer fireworks” shall not include the following products:
 - (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
 - (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
 - (3) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire

Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

- (b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

Section 3. Prohibition

No person or legal entity shall use or sell consumer fireworks in the Town of Camden. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

Section 4. Penalties, Prosecution and Legal Fees.

Any prosecution under this Ordinance shall be initiated and conducted by the Camden Police Department.

(a) Any person who uses consumer fireworks within the Town of Camden shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed;

(b) Any person who sells consumer fireworks within the Town of Camden shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed;

(c) The Town of Camden may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance; and,

(d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Camden's legal fees incurred in any prosecution under this ordinance.

Section 5. Seizure and Disposal.

The Town of Camden may seize consumer fireworks that the Town of Camden has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department, for disposal.\

Historical Note: Adopted by Special Town Meeting Vote on December 20, 2011.

Chapter VI-20

Unencapsulated Polystyrene Ordinance

SECTION 1 – PURPOSE

The intent of this ordinance is to eliminate the use of unencapsulated polystyrene in dock floats and buoys on Camden’s lakes, rivers, harbors and coastal waters.

The Inhabitants of Camden make the following findings: Polystyrene is a petroleum product, commonly known as Styrofoam. It is often used in dock floats because of its buoyancy. It is neither readily recyclable nor biodegradable and takes hundreds of years to degrade in the environment. When exposed to the elements, it fragments into unsightly, small, non-biodegradable pieces that may be ingested by marine life, wild and domestic water birds and other wildlife. When ingested, the polystyrene fragments may block the digestive system of birds and animals, killing them through starvation. Aquatic and land mammals, other organisms, and nesting rodents hasten the fragmentation of polystyrene by forming nests in, under or on top of the material when seasonally stored on land. Mechanical trauma such as the dragging of floats over land may also cause the polystyrene to break apart. The deterioration of larger polystyrene floats into beads and smaller pieces create a pollution line along shorelines, intertidal land and other places where buoyant debris collects, which is a form of pollution and increases the chances of ingestion by water dependent mammals and birds. Such pollution must be picked up and removed at the expense of the public and private citizens. To prevent such degradation, pollution and hazard to water dependent mammals and birds, polystyrene floats may be encapsulated in a hard polyethylene shell, which prevents the deterioration and spread of beads and smaller sections of polystyrene floats. The general health and welfare of the citizens, birds and animals requires that such use of unencapsulated polystyrene be banned from use in Camden’s lakes, rivers, harbors and coastal waterways. This Ordinance is adopted in relation to Home Rule Authority and plenary police powers as found in Title 30-A M.R.S. 3001, the Municipal Police Powers relating to the Public Trust in Intertidal Lands as fund in 12 M.R.S. 573(3), Title 38 M.R.S. 1 et seq., and 12 M.R.S 13072.

SECTION 2 – DEFINITIONS

Polystyrene is a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methyl styrene by weight.

Unencapsulated polystyrene means polystyrene that is not completely encased within a polyethylene shell or within other comparable materials warranted by the manufacturer for 8 years or more against cracking, peeling, sloughing, and deterioration from ultraviolet exposure and physical trauma.

SECTION 3 – USE OF POLYSTYRENE PROHIBITIONS

The use of unencapsulated polystyrene as a flotation device is prohibited for use in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy.

Unencapsulated polystyrene is hereby prohibited for use in the repair of any existing dock system, mooring system, float or buoy placed or to be placed in any lake, stream, water body, harbor or coastal water within the jurisdiction of the Town of Camden.

SECTION 4 – NUISANCE

In addition to the prohibition as described in subsection 3 herein above and the remedies available to enforcement thereof, it is hereby declared that the use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy, is a nuisance and public health hazard, and may be prosecuted as provided in the Maine Revised Statutes.

SECTION 5 – AMORTIZATION OF POLYSTYRENE USE

Upon adoption of this Ordinance, all use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden shall be prohibited. Therefore, the use of all existing unencapsulated polystyrene flotation devices in actual use as of the effective date of adoption of this ordinance shall be legally non-conforming. It is hereby declared, that all such unencapsulated polystyrene flotation devices shall be illegal on the fifth anniversary after the effective date of adoption of this Ordinance, and shall thereafter shall be subject to enforcement and removal as authorized herein. The Town of Camden finds this five year amortization in exercise of the local police power to be a reasonable regulatory means to address the public hazards to be corrected hereby.

SECTION 6 -- ENFORCEMENT

Any violation of the prohibited acts or uses described herein shall be a civil violation as defined in 17-A M.R.S.A. § 4-B and shall prosecuted under Maine Rule of Civil Procedure 80H by the Camden Harbor Master and/or the Camden Inland Harbor Master. The violator shall be subject to penalties of \$25 for the first violation. Failure to remediate the violation within 30 days after receipt of a written Notice of Violation shall result in a fine of \$25 per day for each additional day that the violation continues. In addition to the financial penalties so provided, the Town may seek temporary and permanent injunctive relief to enforce the terms of this Ordinance. Each violator found by the Court to have violated this ordinance shall pay the Town's reasonable attorney's fees and costs incurred in enforcing this ordinance.

Historical Note: Adopted by Special Town Meeting November 7, 2017.

Chapter VI-21 Miscellaneous Ordinances Prohibition on Polystyrene Containers

Section 1—Purpose

Polystyrene foam is a petroleum-based plastic made from the styrene monomer. A lightweight, good insulator, polystyrene is largely air. Many products use polystyrene to either keep items warm or cold or use the product to pack and ship items safely. Polystyrene is not easily recycled and when littered or discarded, creates undesirable impacts on water quality, stormwater, and wildlife, especially since it disintegrates easily into small particles and becomes difficult to retrieve. There are alternatives that are reusable, recyclable or compostable, which are already on the market and readily available. In keeping with this it is anticipated that substitute local packaging is expected to be of locally recyclable material.

Therefore, Camden, Maine, hereby adopts a ban on polystyrene to support the Purpose described above, and the Town finds that:

- Camden is located on Penobscot Bay, an area known worldwide for its natural beauty, fish and other wildlife;
- Camden has an obligation to maintain and preserve the area's special natural environment;
- and, maintenance of Camden as litter-free as possible is important to protect and preserve its natural environment and enhance the quality of life for residents and visitors.

This Ordinance will serve the public interest by reducing the amount of non-biodegradable waste littering Camden. In keeping with this it is anticipated that a portion of any substitute packaging is expected to be composed of biodegradable material in whole or in part.

Sec 2—Definitions

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

“Food Packager” means any person located within Camden who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

“Prepared food” means food or beverages which are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing.

“Prepared food” may be eaten either on or off premises.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical

Company trademarked form of polystyrene foam insulation) that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this Article, the term “polystyrene” shall not include clear polystyrene known as “oriented polystyrene.”

“Retail Vendor” means any person, restaurant, store, shop, sales outlet, or other establishment, including, without limitation, a grocery store, convenience store or a delicatessen, located within Camden and that offers prepared food for retail sale.

Sec. 3—Prohibitions

- A. No retail vendor in Camden shall serve or sell prepared food in polystyrene foam containers and no food packager shall package meat, eggs, bakery products, or other food in polystyrene foam containers.
- B. No retail vendor in Camden that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- C. Camden shall not use polystyrene foam food or beverage containers at any Camden facility or Camden-sponsored event.
- D. No Camden department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- E. All parties who contract with Camden shall be prohibited from using
- F. polystyrene foam food and beverage containers in Camden facilities or on Camden-funded projects within Camden.

Sec. 4— Exemptions

- A. A retail vendor or food packager that is currently existing or is established in Camden before the effective date of this Article may be exempted from the provision of this Article prohibiting the use of polystyrene foam for a period of time to be determined by the Camden Town Manager or his/her designee if the retail vendor or food packager requests an exemption in writing from the Town Manager and demonstrates to the Camden Town Manager or his/her designee that compliance with the provision constitutes undue hardship for the retail vendor or food packager. Undue hardship includes, but is not limited to, situations unique to the food vendor that are not generally applicable to other retail vendors or food packagers in similar circumstances. The Camden Town Manager or his/her designee shall make a written decision on each exemption request.
- B. Retail vendors, food packagers, Camden departments, Camden facilities, and Camden contractors are exempt from the provisions of this Article in a

situation deemed by the Camden Town Manager, in his/her sole discretion, to be an emergency for the immediate preservation of the public health, safety, or welfare.

Sec. 5—Violations and Enforcement

The Camden Police Department shall have the primary responsibility for enforcement of this Article. If the Police Enforcement Official determines that a violation of this Article has occurred, he/she shall issue a written warning Notice to the retail vendor or food packager describing violation has occurred and Ordering it to cease within 7 days. Subsequent violations of this Article after failure to cease the violation(s) shall be subject to the penalties set forth below. Violations of this Article shall be civil violations which shall be punishable as follows:

- (a) A fine not exceeding \$250 for the first violation;
- (b) A fine not exceeding \$500 for the second and each subsequent violation;
- (c) Payment of the Town’s legal fees for the prosecution of each violation; and
- (d) Violators shall be subject to injunctive relief as is reasonably necessary to prohibit future violations of any person or entity found in violation of this ordinance.

Sec. 6—Effective Date.

- (a) This Article shall become effective on April 30, 2019.

Sec. 7—Severability

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

Historical Note: Adopted by Special Town Meeting November 6, 2018.

Chapter VI-22 Miscellaneous Ordinances

Single Use Bag Ordinance

Purpose:

It is in the best interest of the citizens and visitors of Camden to protect the environment and natural resources of Maine and our Penobscot Bay region by encouraging the use of re-usable bags and discouraging the use of disposable single-use carry out bags. The town through its policies, programs and laws supports efforts to reduce the amount of litter and waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, and recycle. The intent is also to reduce the environmental impact of the manufacture and transportation of single-use bags.

Definitions

As used in this ordinance, the following terms have the following meanings:

Single-Use Carryout Bag means a bag other than a Reusable Bag, as defined below, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Retail establishment. The term Single-use Carryout Bag includes plastic, compostable and biodegradable bags, paper bags, but does not include Reusable bags, Dry cleaning bags, Produce bags, Product bags provided by pharmacists to contain prescription drugs.

Reusable Bag means a bag that meets the following criteria:

- (a) Designed and manufactured to withstand repeated uses over a period of time
- (b) Is machine washable or made from a material that can be cleaned and disinfected regularly
- (c) Has a minimum lifetime of 75 uses;
- (d) Is at least four mils thick, if made from plastic; and
- (e) Has the capability of carrying a minimum of 18 pounds

Product Bag or Produce Bag means any bag without handles used exclusively to carry produce, meats or other food items or merchandise to the point of sale inside a store or to prevent such items from coming in direct contact with other purchased items.

Retail Establishment means any business of any size which sells goods directly to the public.

Store means any of the following Retail Establishments, excluding restaurants, located within the town of Camden selling a variety of staple foodstuffs (e.g., dairy, meat, produce, and other perishable or nonperishable food items) located in a permanent building operating year round including but not limited to supermarkets, convenience stores, food marts, drug stores, grocery stores.

Single-Use Carryout Bags

- A. Prohibition. Except as provided in this section, no Retail Establishment as defined above shall provide a single-use carryout plastic bag to a customer at the check stand,

cash register or point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.

- B. A Store may make available for sale to a customer a single-use carryout paper, compostable or biodegradable bag for a mandatory, uniform charge of ten cents (\$.10) per bag.
 - a. All monies collected by a Store for the sale of single-use carryout bags under this section may be used by the store for any lawful purpose.
 - b. All Stores must post signage clearly indicating the per bag charge for paper, compostable or biodegradable single-use carry out bags.
 - c. Notwithstanding this section, no Store may make available for sale a paper, compostable or biodegradable single-use carry out bag unless the amount of the sale of the single-use carry out bag is separately itemized on the sale receipt.
 - d. No Store shall rebate or otherwise reimburse a customer any portion of the charge required in subsection (b).

Permitted Bags

Nothing in this section shall be construed to prohibit customers from using bags of any type that customers bring to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

Violations and Enforcements

The Town Police Department or their designee shall have the primary responsibility for enforcement of this ordinance. If the Town Police Department or its designee(s) determine that a violation of this ordinance has occurred, a written warning notice will be issued to the store that the violation has occurred. Subsequent violations of this ordinance shall be subject to the penalties as set forth below.

Violations of this ordinance shall be punishable as follows:

- (a) A fine not exceeding \$100 for the first violation after a warning in a one year period;
- (b) A fine not exceeding \$250 for the second and each subsequent violation in a one year period.
- (c) Reimbursement of the town's legal fees and costs for prosecution of each violation.

Effective Date: April 30, 2019

Historical Note: Citizen's Petition adopted at Special Town Meeting November 6, 2018

Chapter VI-23 Miscellaneous Ordinances
Local Food Sovereignty Ordinance

Title

This ordinance is enacted pursuant to Title 7, M.R.S. Chapter 8-F the Maine Food Sovereignty Act as may be amended and pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second and shall be known as the Town of Camden Local Food Sovereignty Ordinance. This Ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program per 7 M.R.S.A. §285, nor does it apply to any seafood products required to be produced or processed in compliance with applicable Federal or State licensing rules and regulations applicable to seafood processing.

Definitions:

1. **Agriculture:**
The production, keeping, or maintenance for sale or lease of plants and/or animals including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products.
2. **Direct Producer-To-Consumer Transaction:**
A face-to-face transaction involving Local Food between a Producer or Processor and a Patron.
3. **Farm-based Kitchen:**
An unlicensed kitchen on a property where the Producer resides; where the Local Food product is processed and produced; and where agriculture is a principal use.
4. **Local Food:**
Local Food means any food, food product, or drink that is grown, produced, or processed by Producers or Processors for human consumption as herein defined, who sell directly, face to face, with their Patrons in a Direct Producer-To-Consumer Transaction.
5. **Producer:**
Producer means any farmer or gardener who grows any plant for food or drink or raises any animal for food or drink.
6. **Processor:**
Processor means any individual who processes or prepares Local Food in a Residential Kitchen or a Farm-based Kitchen.

7. Patron:

Patron means the same as "Customer" and is the last person who:

- a. Purchases for human consumption or consumes the Local Food;
- b. Does not resell the Local Food, and
- c. Has been informed the Local Food was produced in an uninspected, unlicensed establishment, and that the Local Food has not been inspected by the applicable State agency.

8. Residential Kitchen:

An unlicensed kitchen in the home of the Producer or Preparer of Local Food on a property where Local Food is process and produced.

Licensure and Inspection

1. Except for the provisions of paragraph 2 below, Producers and Processors in the Town of Camden are not subject to State licensure or inspection provided:
 - a. Transactions are made as Direct Producer-To-Consumer Transactions; directly, face to face, between Producers or Processors and Patrons, with no other party involved in the transaction.
 - b. The Producer and/or Processor shall provide notice to Patrons stating the following: "This food was prepared and processed in a Residential Kitchen or Farm-based Kitchen by one, or a combination of, the following methods:
 - i. A sign posted in a conspicuous location at the point of delivery of the food to the customer;
 - ii. A label affixed to the food container given to the customer; and/or
 - iii. A notecard/letter provided to the customer at the point of sale.
2. This Ordinance does not exempt, nor does it apply to seafood, meat and poultry Producers and Processors from all State and Federal licensing and inspection requirements, and the requirements as described at M.R.S.A. Title 7 Chapter 8-F §285.

Compliance:

1. Individuals who grow, produce, process or prepare food or food products for other than Direct Producer-To-Consumer Transactions, shall grow, produce, process or prepare the food or food products in compliance with all applicable State and Federal food safety laws, rules and regulations.
2. The Town of Camden shall refer all complaints received concerning Direct Producer to Consumer Transactions to the applicable Federal and/or State agency.

Severability:

To the extent any provision of this Ordinance is deemed invalid by a court or competent jurisdiction, such provision will be removed, and the balance of the Ordinance shall remain valid.

Effective:

This Ordinance shall be effective immediately following its enactment by the Legislative Body of the Town of Camden.

Ordinance adopted by Town Voters on June 11, 2019

Chapter VI-23 Miscellaneous Ordinances **Street Opening Ordinance**

The Town of Camden requires compliance with the provisions of Ordinance of this Chapter in order to minimize, to the extent possible, the safety and road maintenance problems that can be associated with excavations and paving and the installation of utilities. The protection of the Towns' streets and sidewalks and infrastructure on and under the streets and right of way's in the Town is vital for assuring safe and passable ways, protecting the public health, safety, and welfare, and for fostering economic activity and development. To that end, it is the policy of the Town to require all repair and excavation work performed on Town streets and sidewalks to be done promptly, with due regard to the safety of the public, and in a skillful and workmanlike manner as outlined in this Ordinance.

Definitions

For the purposes of this Ordinance, certain words and phrases shall have the following meanings. Words and phrases not defined herein or elsewhere in other Town of Camden Ordinance shall have their common and ordinary meanings.

1. Contractor. "Contractor" shall mean a person or entity retained to conduct the excavation(s) and other work authorized by a street opening permit and/or otherwise required under this Ordinance or applicable law.
2. Excavation. "Excavation" shall mean any operation in which earth, rock, or other material below the surface is moved or otherwise displaced, by hand or by means of power tools, power equipment, or explosives, and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe driving, except tilling of soil and gardening or displacement of earth, rock, or other material for agricultural purposes.
3. Installation. "Installation" shall mean any pipe, equipment, vault, entrance, pole, cable, coal hole or other receptacle for goods, or other structure placed in a street, sidewalk or right of way.
4. Permittee. "Permittee" shall mean a person authorized to conduct an excavation in a street or sidewalk pursuant to
5. Right of Way. "Right of Way" shall mean a type of property right (fee ownership or easement) granted or reserved over the land for transportation purposes, this can be for a highway, public footpath or trail, rail transport, etc. A right-of-way is reserved for the purposes of maintenance or expansion of existing services within the right-of-way. In the case of an easement, it may revert to its original owners if the facility is abandoned.
6. Sidewalk. "Sidewalk" shall mean that portion of a street between the curb lines or, in the absence of curbs, the lateral lines of a roadway, and the adjacent property lines intended or available for the use of pedestrians.
7. Utilities in Good Standing. "Utilities in Good Standing" shall mean a public utility as defined in 35-A M.R.S. § 102, as amended, that is not – either at the time of application or anytime within the past year – in violation of any provision of this ordinance.

Sec. 1 Administration

The Public Works Director (the "Director"), under the supervision of the Town Manager, shall be responsible for administering the provisions of this Ordinance, and for securing compliance with the Town's street opening, excavation, connection, restoration, and documentation requirements.

Where the owner or operator of land retains a contractor to perform work regulated under this Ordinance, such owner or operator and the contractor shall be jointly and severally responsible for complying with this Ordinance; provided, however, that only one permit shall be granted for each excavation.

Sec. 2 Street Paving; Notice; Moratorium

1. Notice of Street Paving. Prior to paving or substantially repairing any Town street, the Director shall duly serve upon owners of property abutting on such street and upon all persons occupying such street, including public utilities that may have utility facilities in the street, directing such owners and persons to make sewer, water, and conduit connections or other work as may be designated by the Director or planned or reasonably foreseeable by the owner, within 30 days from the date of the notice. The Director shall maintain a current list of newly constructed, reconstructed, and repaved streets, and portions thereof, and make such list available to the public upon request at both the Town Manager's office and the Department of Public Works, and on the Town's website.
2. Moratorium on Street Openings. At the expiration of the time fixed pursuant to the preceding paragraph and after the street has been paved or repaired, no permit may be granted to open that street for a period of 5 years, except as otherwise provided herein.
3. Exceptions. Notwithstanding the foregoing, the Director may issue a street opening permit to open a street within 5 years after that street was paved or substantially repaired if the Director requires such Permittee to either:
 - A. Utilize trenchless construction techniques that obviate the need for disturbing the paved surface, or
 - B. Upon disturbing the paved surface, to relay the full width of the road surface on both sides of the cut for a distance of at least 20 feet from the furthest outside edges of the cut. If that repair overlaps the edge of a repair from a previous opening, the Director may require the Permittee to relay the full width of the road to the furthest edge of that previous repair. The Director shall prescribe the depth and method of restoring the pavement based upon the class of the street, except that in no case may the depth of the restored pavement be less than 4 inches. State Law Reference: 23 M.R.S. §§ 3351-3352.

Sec. 3 Street Opening Permit

1. Permit Required. No person may excavate, place any installation within, or fill an excavation in any street or sidewalk without having first obtained a Street Opening

Permit therefor from the Director or his designee. The Director is permitted to apply reasonable conditions to any permit to mitigate the unique circumstances of an application if it does not have the effect of reducing the effect of the ordinance or limiting the adopted standards. The Director shall not issue such Street Opening Permit except upon receipt of:

- A. A completed application therefor, on a form prepared and provided by or on behalf of the Director;
 - B. The permit or other applicable fee(s) established by Order of the Select Board;
 - C. A certificate of Public Liability Insurance naming and endorsing the Town of Camden as additionally insured under the permittee/contractor's liability coverage
 - D. A performance guarantee required under this ordinance
2. Exceptions. No street opening shall be required for:
- A. Entrance/Culvert installation pursuant to a completed and approved entrance/culvert installation permit with the approval of the Public Works Director.
3. Permit Application. The written application for Street Opening Permit shall provide the following information:
- A. Name, physical, postal, and e-mail or other internet address, and phone number of the applicant and applicant's contractor, if any;
 - B. Name(s), of the project manager and/or foreman for the excavation, and of every person who may operate excavating equipment in conducting the excavation, backfilling, compaction, and/or site restoration, and a statement as to whether each such manager, foreman, or operator has been denied an excavator license by any governmental entity or caused any damage to property or person while operating equipment at a worksite in the preceding 5 years. The Director may establish conditions to the permit that require that excavation work be performed, or not performed, by specified personnel.
 - C. Purpose(s) for which the permit is sought;
 - D. Street address and the type(s) and nature of the occupancy of building(s) to be served by the proposed excavation;
 - E. Start date for the proposed excavation and the estimated time needed to complete the excavation;
 - F. Detailed narrative description of the proposed excavation, including its purpose, the total area of street and/or sidewalk to be disturbed, volume of excavated material, trench width and length, and purpose and type of utility connections to be made in the excavated area;
 - G. Diagram of the proposed excavation showing the location of proposed utility installations / connections, and the size of street or sidewalk excavation;
 - H. Accurate estimate of the total cost for the excavation, including inspections, testing, and repaving;
 - I. Evidence of Applicant's notification of, and where applicable permission from, the owner or operator of underground facilities in the proposed excavation area. Evidence of notification may be satisfied by providing the Applicant's Dig-Safe number;

- J. Signature of the Town Planner, when determined by the Town Manager;
- K. Signature of Police Chief when the flow of traffic or pedestrians will be restricted or detoured;
- L. Signature of the Public Works Director
- M. Signature of the Applicant. Applicant's signature shall be deemed to be Applicant's acknowledgement of, and agreement to comply with, the requirements of this Ordinance. Applicant and, when different, the owner of the property to be served or benefitted by the street opening shall be jointly and severally responsible for compliance with this Ordinance.

The Director shall grant, grant with conditions, or deny each application for a street opening permit within five (10) working days of submission of a complete application. All such permits shall be subject to the conditions stated therein, and to the requirements set forth in this Ordinance, including those in.

- 4. Permit Fee. Except as otherwise provided herein, each applicant shall pay to the Town a permit fee outlined in the Town of Camden Street Opening Application, in an amount reasonably calculated to reimburse the Town for the direct cost(s) in labor and equipment typically expended by the Town in administering permits issued pursuant to this Ordinance.

The Director shall waive payment of all the permit fees for excavations to be performed by or on behalf of the Town.

The Town Manager may waive payment of the permit fee in the event s/he determines that special conditions exist relating to the protection of public health, safety, and welfare, and/or significant financial hardship to a home owner that, in the absence of such waiver, would delay or make impossible needed repairs of such owner's residence or utility facilities serving the residence.

- 5. Permits are Valid for 30 Days. Excavation work must be started no later than thirty (30) days from the date of issuance of the Street Opening Permit. At the expiration of this thirty (30) day period, such permit shall become null and void and must be renewed before any work may begin. The permit fee must be paid for each issuance and renewal.
- 6. Winter Moratorium; Emergency Excavations. Except in the event of an emergency, the Director may not issue a permit for, and no person may commence, an excavation in a Town street, sidewalk, or other public place between December 1 in any one year and March 15 in the following year.
- 7. Emergency Action. Nothing in this Ordinance shall be construed to prevent the making of such excavations as may be deemed necessary for the preservation of life or property, or for the identification of blockages, leaks, or other failures, and the repair thereof, of gas, water, or other utility facilities in the street; provided, however, that the person making such excavation shall apply to the Town for a permit therefor on

the first municipal working day after such work is commenced. Before any emergency excavation is commenced, the responsible party must take all reasonable steps to notify Dig-Safe pursuant to 23 M.R.S. § 3360-A, and to ascertain the location of underground utility facilities that may be affected by the excavation. In no event may blasting be conducted in an unpermitted emergency excavation.

8. No permit shall be required for an excavation to be performed by or on behalf of the Town of Camden if determined one is not needed by the Public Works Director.

Sec. 4 liability Insurance; Performance Guarantee; non-Waiver of Immunity

1. Liability Insurance. All applicants for street opening permits shall provide with their applications a certificate of liability insurance naming the Town as an additional insured for liability arising from the Permittee's excavation, in coverage amounts acceptable to the Town Attorney.
2. Performance Guarantee.
 - A. Form. All applicants for a street opening permit, shall provide a performance bond or other bond, letter of credit, cash security deposit, or other guaranty of a type and in a form acceptable to the Town to guarantee Permittee's performance in properly excavating, connecting to utilities, and restoring the excavated area (the "Performance Guarantee") in conformance with the applicable standards, rules, and regulations. If the TOTAL IMPACT VALUE as calculated on the Town of Camden Street Opening Permit Application exceeds \$5,000 for licensed utilities, state, or other governmental entities, OR \$2,500 for all other applicants. In the event the Director determines that there has been a partial or complete failure of the trench or other portion of a right of way as a result of the street opening within **three years** of the Permittee's final completion of the street excavation and restoration, such failure shall be deemed to be the result of Permittee's failure to perform the excavation or restoration in conformance with the applicable standards, rules, and regulations.

Regardless of any other terms and conditions of said bond or other instrument, payment thereunder by said surety, guarantor, or other issuer to the Town must be due immediately on demand upon Applicant's failure to restore the condition of the excavated way, sidewalk, or other public property to the satisfaction of the Director.

Letters of credit or other performance guarantees provided for permits issued prior to the effective date of this ordinance shall be retained and must remain valid for the entire term for which they were accepted by the Town. If bonds, letters of credit or other performance guarantees are dropped prior the 3-year period, said permittee shall not be allowed be issued any future street opening permits.

- B. Exceptions.

- (1) Town Contract. No street opening permit shall be required of persons who are under contract with the Town to perform the excavation if such persons provide a performance bond or other guarantee in an amount equal to or greater than that otherwise required hereunder.
- (2) Waiver by Town Manager. The Town Manager may, upon written request by an Applicant, waive the requirement for a performance guarantee if the Town Manager finds that the Applicant has insufficient financial resources to provide the guarantee and that the proposed excavation does not pose a significant risk of impairment to a street, sidewalk, or other Town or utility infrastructure.

C. Amount. Licensed excavators or their employers may annually post a Performance Guarantee in the amount of \$25,000 to guarantee their performance under street opening permits for that calendar year. Alternatively, If the TOTAL IMPACT VALUE as calculated on the Town of Camden Street Opening Permit Application exceeds \$5,000 for licensed utilities, or other governmental entities, OR \$2,500 for all other applicants. Permittees shall provide the Town with a Performance Guarantee for each permitted excavation in the amount of the product of two times the project estimate stated in the application and accepted by the Director (Estimate x 2 = Performance Guarantee Amount). Bonds and other non-cash performance guarantees shall be in a form and issued by a surety, guarantor, or other issuer acceptable to the Town, in its sole discretion, and shall remain effective and subject to negotiation and collection by the Town for at least three years from the date of completion of the excavation and street restoration. Cash security deposits made in lieu of providing a bond or similar instrument of performance guarantee shall be refunded upon approved completion of all conditions and requirements of the permit, this Ordinance, and applicable rules and regulations.

D. Corrective Actions; Payment.

The Director shall serve written notice upon any person or utility that fails to comply with or that violates any provision of this Ordinance(a "Violator"), stating the nature of the failure or violation and providing a reasonable, specific time limit for the Violator to perform corrective actions; provided, however, that where such failure or violation may trigger tort or other liability for a street defect, the corrective action shall be commenced within 24 hours of the Director's notice. If the Violator fails to perform the corrective action within the specified time period, the Town shall cause the necessary repairs, keeping an account of the expense thereof. Upon the completion of the corrective action by or on behalf of the Town, the Director shall cause an invoice to be served upon the Violator for payment, in the amount of 200% of the whole of the expense incurred by the Town, which invoice shall be due and payable immediately upon receipt. The Director shall issue no additional street opening permits to the Violator until such invoice is paid in full. Upon the Violator's failure to perform the corrective action or to pay the Town's invoice therefor, the Town shall reimburse itself from the Permittee's performance guarantee in an amount equal to 200% of the whole of the expense incurred by the Town.

Thereafter, upon completion of the work and determination of the cost thereof, the Director shall issue no permit to the applicant until he or she shall receive, in addition to the fees provided, the amount of the penalty as by this section provided and determined.

The contractor shall be responsible for the work and shall hold the Town harmless from any claims resulting from the work.

3. Non-Waiver. This Ordinance shall not be construed as imposing upon the Town or any official or employee of the Town any liability or responsibility for damages to any person injured by the performance of excavation work for which an excavation permit is required under this Ordinance, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this Ordinance shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the Town for highway or other purposes.

Sec 5 General Requirements

1. Excavation Standards. All street excavations and restorations and other work that cause a disturbance of any street must be conducted in compliance with applicable statutes, ordinances, technical standards, and rules and regulations relating to opening, excavating, working in, and occupying a street or other public way, including the Excavation Standards set forth in the Maine DOT Department of Transportation, Standard of Specifications (Dated March 2020 and any supplemental specifications), and the Town's Technical Standards Manual.
2. Non-Interference. Contractors shall not interfere with any existing facility, structure, or substructure without the written consent of the Town or owner of the facility, structure, or substructure. Contractors will assume all liability for all damaged facilities, structures, or substructures regardless of ownership, and for any damage or injury sustained as a result of such facility, structure, or substructure damage. All excavations shall be conducted so as not to interfere with access to fire hydrants, fire escapes, fire stations, police stations, underground vaults, and all other vital equipment identified by the Town and/or Dig-Safe.
3. Inconvenience Minimized. Work shall be carried out in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and abutting property owners to the greatest extent possible; excavation work, noise, dust, and unsightly debris shall be minimized. The work area must be cleaned up and all debris removed when construction is completed.
4. Blasting. If blasting is required as part of a project, the Contractor shall conduct a survey, prior to blasting, of the condition of all foundations and other structures and facilities standing at such distance from the proposed blast that they may, in the judgment of the Contractor, be affected by the blast. All property owners and lessees, if any, of buildings, structures, and facilities within five hundred (500) feet of the site of

the blast, or within the area likely to be affected, whichever is greater, shall be given adequate notice of the planned blasting by the Contractor as soon as possible after the need to blast becomes obvious. In addition, the Contractor shall cause "doorknob-hanger" notices of the blasting to be hand-distributed to these properties between 48 hours and 24 hours before the blasting is scheduled. All blasting must conform with the Town's blasting ordinance.

5. Seasonal Night Work. Excavations in any Town roads, except in the case of emergencies must have director approval and if approved, shall be performed after 6:00 PM and prior to 7:00 AM.
6. Monuments. Monuments designating property, street lines, or permanent survey markers shall not be disturbed, removed, or concealed without the prior, written consent of the Director, in which instance the Director shall direct the replacement or restoration of the monument by the Permittee or Contractor.
7. Manholes and/or Catch Basins. No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames, and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Contractor in accordance with the specifications set forth by the Public Works Department.
8. Sewers, Sewer Connections. No person may uncover, make any connection with or opening into, use, alter, or disturb any public sanitary or storm sewer without first obtaining a written permit therefor from the Camden Wastewater Department.
9. Prompt Completion of Work. After an excavation is commenced, the Contractor shall proceed with diligence and expedite all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this Ordinance. The Contractor shall daily perform such restoration work as may be reasonably necessary so as not to obstruct, impede, or create a hazard to public travel by foot or vehicle. If the Town determines that the safety of the public is not being protected, then the Town may intervene and perform corrective actions after providing 24 hours' notice to the Permittee or Contractor. If the work is not done in accordance with the time frame outlined in the permit application, then the permit must be renewed, or the Town will consider the work incomplete and will take action accordingly.
10. Record of Installation. Drawings denoting installation of utility lines or service lines within the right-of-way of streets shall be filed with the Director of Public Works within sixty (60) days of completion of construction.
11. Unauthorized Excavations. Any person conducting an excavation in a street or sidewalk who is not authorized to do so under this Ordinance is not excused from compliance with these general requirements, and a violation of the same shall be subject to penalties and/or fines to be determined by the Camden Select Board, in addition to and not as a substitute for any penalties, fines, and remedies imposed on the violator for conducting an unauthorized excavation.

Sec. 6 Protective Measures and Routing of Traffic

1. **Safe Crossings.** Contractors shall, in general, maintain safe crossing for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material, without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.
2. **Barriers and Warning Devices.** It shall be the duty of every Contractor cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices, and to post flaggers to guide traffic, as may be necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Police Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset on each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace, light sources.
3. **Normalization of Traffic Conditions.** Contractors shall take appropriate measures to assure that, during the performance of the excavation work traffic conditions shall minimize inconvenience to the occupants of the adjoining property and to the general public.
4. **Closing of Streets.** When traffic conditions permit, the Town may authorize the closing of streets to all traffic for a stated period. In an emergency, a street can be temporarily closed to prevent danger to the public. In such cases, a utility company or contractor responding to the emergency shall contact the Police and Fire Departments by phone before closing a street to traffic. Closing of streets to all traffic for a limited period may also be approved by the Director of Public Works, the Police Chief in conjunction with the Town Manager, should an unforeseen risk to public safety arise during the completion of a non-emergency project.
5. **Interference with Arterial Streets.** Unless an emergency exists, construction activities shall not interfere with the normal flow of traffic on arterial streets of the Town. The full inbound roadway lane width shall be maintained between the hours of 6:45 A.M. and 8:30 A.M. and the full outbound lane width shall be maintained between the hours of 4:00 P.M. and 5:45 P.M.
6. **Shifting Traffic to Opposite Side.** Contractors may shift traffic to the opposite side of the roadway to maintain required lane width. The Contractor may only make such shift with the approval of the Police Department following the proper review of detour plans to ensure adequate safe two-way traffic flow and proper number and placement of Police Officers or traffic safety flag persons.

Sec. 7 Excavation Standards

1. Clearance for Vital Structures. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables, loops or catch basins & manholes structures or their associated collection system piping, and all other vital equipment as designated by the Town.
2. Breaking Through Pavement in Streets and Sidewalks.
 - A. All excavations on paved surfaces shall be precut in a neat straight line with pavement breakers, saws, or asphalt cutters.
 - B. Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.
 - C. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
 - D. Unstable pavement shall be removed over cave-outs and over breaks and the subgrade shall be treated as the main trench.
 - E. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center (between each adjacent opening), the CONTRACTOR shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
 - F. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.
 - G. When an opening is made in a street, where the surface is Portland Cement Concrete, the concrete shall be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing shall be furnished to provide the equivalent of one-half (1/2) inch steel rods on twelve (12) inch centers both ways, top and bottom in the new concrete patch. The thickness of the concrete in the new patch shall be at least four (4) inches thicker than the existing concrete and the top surface shall be finished to conform to the surface of the old concrete.
 - H. If a street or sidewalk surface is intersected due to utility excavation in multiple locations that are 50 feet or less the contractor will be required to resurface the entire surface in the area of construction.
 - I. When an opening is made in a street where the surface is bituminous concrete, the edges of the pavement shall be cut back an additional eight (12) inches beyond the trench edges. An additional (18) inches from the outside edge of the pavement cut back shall be milled a minimum of (1.5) inches. The trench patch should then be shiplap paved in two lifts. See public works trench patch technical manual.
3. Trenches. Contractors shall minimize the lengths of open, excavated trenches, to better protect public safety and minimize the impact of the excavation on vehicular and pedestrian circulation and access to adjacent properties. The maximum length of open trenches parallel to the travel lanes in a street shall be two hundred (200) feet, on any Town road, where parallel trenches may not exceed one hundred (100) feet in length without the Director's prior consent. Open trenches that are not parallel with the travel lanes may not exceed the bounds of one travel lane. No greater length shall be opened at any one time for pavement removal, excavation, construction, backfilling,

patching or any other operation without the written permission of the Town. Trench sides shall be shored so as to prevent the undermining of undisturbed pavement. Contractors shall meet all applicable OSHA Safety Requirements.

4. Care of Excavated Material.

- A. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Materials that are not suitable under this Ordinance or other applicable regulations for reuse for backfilling shall, as soon as practicable, be removed for another reuse or disposed by the Contractor.
- B. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the Contractor haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Contractor's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

5. Backfilling of Excavation. Backfilling shall conform with the specifications therefor in the public works technical manual. The Contractor at the discretion of the Director may be required to conduct compaction testing of the backfill for conformance with such specifications. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill has been compacted to 95% of its maximum density as determined by the modified Proctor test. All expense of such tests shall be borne by the Contractor. Authorization to resurface does not release the contractor from being responsible for the future condition of the excavated area as required by this Ordinance.

6. Resurfacing of Streets and Sidewalks

- A. The Contractor may backfill the excavation from the bottom of the adjacent pavement to the surface of the pavement with base aggregate meeting the Maine Department of Transportation Specification 703.06(a) for Type B or C base.

The Contractor shall maintain this temporary surface level with the surface of surrounding pavement for at least two (2) weeks but no longer than thirty (30) days. The backfill shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Contractor shall maintain the temporary backfill and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, except if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the Contractor shall maintain barriers and lights where required herein.

- B. If the surface becomes uneven or needs to be regraded the Contractor shall be notified and must regrade the area within 2 hours. If the Contractor does not regrade the area within 2 hours the area will be regraded and billed at a time and materials two times the labor and materials of the Town Public Works Department.
 - C. No later than thirty (30) days after the excavation has been backfilled, the Contractor shall install permanent paving equal to or exceeding the character, thickness, type, and quality of the adjoining undisturbed surface. If hot bituminous asphalt is unavailable due to the season, the excavation shall be surfaced with cold bituminous pavement until such time as permanent pavement is available. Permittees shall, for a period of two (3) years thereafter, be fully liable for all defects in materials, compaction, and workmanship relating to such backfilling and resurfacing, and shall promptly and satisfactorily repair or replace the same upon notice by the Director of Public Works. If the work is not corrected within thirty (30) days of such notice, the Town in its sole discretion, may declare the work to be in non-compliance, and Section 4 (2) will apply.
7. Inspections. The Town shall make such inspections as may reasonably be necessary to secure Permittees' and Contractors' compliance with the requirements of this Ordinance. Such inspections may be performed by the Director, his designee, the Camden Wastewater Water Facility Director or his designee, or other authorized personnel. The Director may order such actions and corrections as may be reasonably necessary to obtain compliance and/or protect the streets and public places in the Town, or any underground utility facilities in a street or public place. The decisions and instructions of the Director with respect to any matter relating to a Permittee or its Contractor's performance and compliance shall be final and binding upon such Permittee and its Contractor, until and unless appealed to a court of competent jurisdiction and therein stayed or overturned.

Sec. 8 Special Conditions

1. Where three (3) or more street openings are made in sequence fifteen (15) feet or less, center-to-center, between each adjacent opening, the estimated cost for such excavations shall be calculated on the basis of one opening measured from the outer perimeter of the first opening to the outer perimeter of the last opening.
2. If an opening and the associated cut back including the milling of (30) inches exceeds one quarter of the road width the opening shall be paved starting at the edge of the shoulder to the centerline, i.e. full lane. If an opening and the associated cutback including milling of (30) inches exceeds one half of the full road width the entire width of the road shall be paved shoulder to shoulder. If the opening involves the curb and or sidewalk the curb and sidewalk shall be replaced in the same manner (30) inches beyond the trench opening and shall be brought up to current American With Disabilities Act (ADA) standards.
3. The Town, when the Director deems it to be reasonably necessary, shall retain, at the Permittee's expense, an on-site inspector to inspect, monitor, and/or supervise all excavation, backfilling, resurfacing, and/or other temporary or permanent repairs. The Permittee shall be charged at the appropriate hourly rate of the inspector, plus thirty-five (35%) overhead for the services of such inspector.

4. If the Director, in its sole discretion, determines that settlement, heaving, or other failure or defect of the backfilled excavation has occurred during the two (2) years immediately following the final surfacing of such excavation, the Permittee may, at its option, either repair the opening or remit to the Town a sum equal to 200% of the cost to repair the excavation. If a Permittee does not remit payment on any invoice for repairs to defective excavations by or on behalf of the Town within thirty (30) days of the date of such invoice, the Town may decline to issue further permits to the Permittee or its Contractor until it receives payment of such outstanding bill and may take other appropriate legal action.
5. Stormwater and runoff BMP's, any and all work done in the Town of Camden shall employ Stormwater Best Management Practices (BMP'S). Erosion control products, catch basin filters, and other acceptable BMP's shall be used on any constructions sites where runoff could take place.

Sec. 9 Fees, Penalties and Enforcement

1. Violations. The Owner and Contractor shall each be in violation of this Ordinance if a street opening is commenced without a permit therefor, or if work relating to a permitted street opening, excavation, installation, connection, backfilling, street repair, or any other work or thing authorized or required thereunder is not in conformance with such permit, applicable law, ordinance, technical standard, or instruction of the Director.
2. Notice of Violations; Corrections. The Director shall provide written notice of all such violations to the responsible party(ies), stating the nature of the violation(s), the corrective action(s) required, and a reasonable time in which to perform such corrective actions. To assure public safety, the Director may provide oral notification and require immediate corrective action to avoid or mitigate a safety hazard.
 - A. Corrective Action By Contractor. The Permittee shall perform the corrective actions required by and to the satisfaction of the Director, within the period identified in the written or oral notice of violation. Permittee's failure so to do shall constitute a separate violation for each day Permittee remains out of compliance with such notice.
 - B. Corrective Action By the Town. Upon Permittee's failure to perform corrective measures required by and to the satisfaction of the Director, the Town may perform or cause to be performed the corrective measures, at Permittee's expense, in which event the Permittee shall be required to pay to the Town an amount equal to one and one half two times the whole of the expense incurred by the Town. When the work is completed and the costs have been determined, the Town shall issue no further permits to that Permittee until it has received full payment of the amount thus assessed to Permittee. Notwithstanding the Town's performance of any work reasonably required to abate a violation of this Ordinance, the Contractor shall remain fully responsible for performing the work in accordance with this Ordinance and the Contractor's permit, and shall be subject to any applicable fine, penalty, or other remedy in addition to the payment imposed pursuant to this paragraph.

3. Fines and Penalties.

Irrespective of the Owner, Contractor, or Town’s correction of any violation, the Owner and Contractor shall be subject to one or more of the following fines and penalties, as may be applicable:

- A. Commencing work without a permit (except emergencies): \$500 per day until permit issued or opening repaired;
- B. Violation of any General Requirement (Sec. 5), Excavation Standard (Sec.7), or Technical Manual;
- C. Stormwater runoff violations Special Conditions (Sec 8, Sub Sec 5): \$250 per day until corrected;
- D. Failure to provide protective measure in violation of Sec. 6: \$250 per day;
- E. Failure to comply with written or oral notice of violation: \$500 per day.

The violation of any requirement or standard under this Ordinance shall constitute a separate offense and shall be subject to a separate fine or penalty as set forth herein.

The Town Attorney is hereby authorized to commence legal action on behalf of the Town in the Maine District Court for the imposition by the Court of such fines and penalties, and any other remedy available at law or in equity, and to enforce and collect the same.

4. Permit Invalidated; Additional Permits Prohibited. A violation of any provision of this Ordinance, of a permit issued pursuant to this Ordinance, or of a standard or requirement imposed by this Ordinance, if uncorrected by the Contractor as provided Under paragraph 2(A) of this section, shall be deemed to invalidate all other permissions previously granted to Contractor, except the requirement that the work be corrected. No street opening permit shall be issued to any such Contractor until the Director is satisfied that the Contractor has abated its violation and fully complied with all the requirements of this Ordinance.

Sec. 10 Annual Utility Work Plans.

Prior to March 1 of each year, all utilities having existing or proposed underground utility facilities in any street or other public place in the Town shall file with the Director such utility’s proposed work program for the ensuing construction season. Such annual work plan need not include provisions for emergency excavations or private service line excavations. The Town may deny applications for street opening permits for excavations required to be, but not included in such utility’s annual work plan.

State Law Reference: 14 M.R.S. § 871; 35-A M.R.S. §§ 2301-2522; 23 M.R.S. §§ 3301 – 3360-A.

Adopted by voters on

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TOWN OF CAMDEN
CHAPTER VI-1
Cable Television Enabling Ordinance

Pursuant to the authority granted to the Municipal Officers of the Town of Camden under Title 30, Section 2141 (2) (H) of the Maine Revised Statutes Annotated 1964, as amended, the Municipal Officers of the Town of Camden are hereby authorized to contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of community antennae television systems and appurtenances of parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. Systems located in accordance with such contracts and ordinances now existing or as hereafter passed are not defects in public ways.

The Municipal Officers may establish such charges as are necessary to defray the costs of public notice, advertising, and the expenses of hearings related to applications for a contract, but in no case to exceed \$25 per applicant.

Historical Note: Adopted February 25, 1974
State Law Reference: 30 MRSA, Sec. 2151 (2) (H)

CHAPTER VI-1A Cable Television Rate Regulation Ordinance

ARTICLE 1: GENERAL

1.1 Short Title

This Ordinance shall be known as the "Camden Cable Television Rate Regulation Ordinance" and will be referred to herein as "this Ordinance."

1.2 Purpose

The purpose of this Ordinance is to implement the authority conferred on cable television franchising authorities to regulate Basic Service Rates and Charges.

1.3 Authority

This Ordinance is enacted pursuant to the Cable Television and Consumer Protection and Competition Act of 1992, as amended; pursuant to regulations adopted by the Federal Communications Commission ("FCC"), including but not limited to the "FCC Rate Regulations" as defined herein; and pursuant to 30-A M.R.S.A. Section 3001, as amended.

1.4 Validity and Severability

The invalidity of any section or provision of this Ordinance shall not effect the validity of any other section or provisions of this Ordinance.

1.5 Effective Date

This Ordinance shall become effective immediately upon its approval by the municipal officers.

ARTICLE 2: DEFINITIONS

2.1 Basic Service Rates and Charges

Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

2.2 Basic Service Tier

That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator

may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.

2.3 Benchmark Approach

That theory of rate regulation which sets rates based upon "benchmarks" established by the FCC.

2.4 Cable Operator

Any cable television system operating with the Town of Camden.

2.5 Cost-of-Service Approach

That theory of rate regulation, to be initiated only by the Cable Operator, which allows the Cable Operator to charge rates in excess of the FCC benchmark rates upon a showing that the cost of providing cable service exceeds the benchmark rate.

2.6 FCC

The Federal Communications Commission

2.7 FCC Rate Regulations

Report and Order, In the Matter of Impletation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993), as amended.

2.8 Franchising Authority

The Town of Camden, acting pursuant to its authority under federal, state and local laws and regulations to authorize and oversee the provision of cable television service in Camden.

ARTICLE 3: RATE SETTING PROCEDURES

3.1 Cable Operator Submission

Within thirty (30) days of the date of the notice from the Franchising Authority to the Cable Operator, the Cable Operator shall file its rate justification with the Franchising Authority.

3.2 Franchising Authority Response

The Franchising Authority shall make a decision on the rate request within thirty (30) days after the Cable Operator submits its rate justification. The rates proposed by the Cable Operator shall automatically take effect after that 30-day period unless the Franchising Authority issues a statement that it needs additional time to make its decision.

If the Franchising Authority decides that it needs longer than the initial 30-day period to consider the rate request, it may issue a statement to that effect. Such a statement may provide for up to ninety (90) additional days to review a rate based upon a benchmark approach and up to one hundred fifty (150) additional days to review a rate request based upon a cost of service approach.

If the Franchising Authority cannot reach a decision by the end of the extended period set forth in the preceding paragraph, the rates proposed by the Cable Operator shall go into effect, subject to refund. If the Franchising Authority intends to seek refunds, it shall issue an Order to the Cable Operator prior to expiration of the time period for response, notifying the Cable Operator to keep accurate records with respect to rates.

3.3 Public Hearing Required

A public hearing shall be held in connection with every rate setting proceeding. At least ten (10) days prior to the hearing date, the Town Clerk shall publish a notice of hearing in a newspaper of general circulation in the Town of Camden. The notice shall identify the name of the Cable Operator, indicate that a rate change has been requested, and identify the time and place of the public hearing.

3.4 Proprietary Information

The Franchising Authority may require the Cable Operator to furnish proprietary information in connection with any rate setting proceeding.

3.5 Calculation of Rates and Refunds

In setting Basic Tier Rates and Changes, and in setting any refunds, the Franchising Authority shall be governed by the FCC Rate Regulations as amended. The FCC Rate Regulations shall govern notwithstanding any different or inconsistent provisions in the Franchising Agreement.

3.6 Decision of Franchising Authority

The Franchising Authority shall issue a written rate decision with appropriate findings and conclusions if the Franchising Authority:

- a. disapproves, in whole or in part, the initial rate schedule or a proposed rate increase; or
- b. approves the initial rate or proposed rate increase over the objection of an interested party Public notice must be given of any such written decision, which shall include release of the text of the written decision to the public. No written decision shall be required to approve an unopposed existing or proposed rate.

3.7 Appeals

The FCC shall have exclusive jurisdiction to hear appeals challenging whether the Franchising Authority's decision is consistent with the 1992 Cable Act or any applicable FCC rules. Any Participant in a Franchising Authority's rate regulation proceeding may appeal the Franchising Authority's decision on such grounds to the FCC within thirty (30) days of release of the public notice required under Article 3.3 of this Ordinance.

Appeals on grounds other than those stated in the preceding paragraph shall be made to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE 4: EXECUTION OF DOCUMENTS

4.1 Authority Conferred

The Chairman of the Board of Selectmen, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certifications, forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

ARTICLE 5: AMENDMENT

This Ordinance may be amended by the Municipal Officers following public hearing.

ARTICLE 6: FEDERAL LAW PREEMPTION

To the extent that any provision of this Ordinance is inconsistent with federal law or regulations now in effect or which may be later adopted, federal law shall govern.

CHAPTER VI-2
Ordinance Concerning Restraint of Dogs in Public Places
(Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands, or if a dog is located on or within a vehicle being driven or parked on streets or public ways, or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden. :

Barrett Cove
Laite Beach
Shirrtail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or otherwise within the meaning of the Ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$ \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Section 7

Notwithstanding any other provision herein, dogs shall be allowed at all times on Town-owned beaches; except that, for the annual period commencing May 1 and running through September 30, dogs may only be allowed on Town-owned beach during the hours from 6:00 pm through 8:00 am, and therefore shall be prohibited during the hours from 8:00 am through 6:00 pm.

(This Section 7 was approved by voter referendum on June 13, 2007)

Historical Note: Amended June 12, 2007

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-2
Ordinance Concerning Restraint of Dogs in Public Places
(Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands or if a dog is located on or within a vehicle being driven or parked on streets or public ways or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden:

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or other wise within the meaning of the ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Dog owners and keepers are responsible for all actions of their dogs, keeping in mind the safety of the general public and the protection of public and private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violations occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-3
Fishing Ordinance
(Now superseded by state statute)

Section 1

Making it lawful to fish for, take and have in possession white perch of the present and lawful size and number, in the waters of Megunticook or Canaan Lake and its tributaries, in the Town of Camden, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Section 2

Making it lawful to fish for, take and have in possession white perch of the present and legal size and number in Fish Pond, Hobbs Pond, and that part of Megunticook, or Canaan Lake, and their tributary waters, in the Town of Hope, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Historical Note: Adopted November 24, 1936

State Law Reference: 12 MRSA, Sec. 7035

CHAPTER VI-4 Flea Markets Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151 (5)(a), an ordinance for the regulation of the business of flea markets and other similar activities is hereby enacted.

Section 2 License Required

It shall be unlawful for any persons, firm, or corporation to engage in the business of a flea market or the purchase and sale of articles by second-hand dealers in the Town of Camden, without having first secured a license therefor from the Board of Selectmen of the Town of Camden.

This Ordinance and the licensing requirement contained herein shall pertain to any business activity commonly known as a flea market and any other related activity which involves the purchase and sale of articles by second-hand dealers. For purposes of this Ordinance, the term "flea market" shall mean a business in which articles of merchandise are sold from stalls or booths or otherwise at a temporary location. For purposes of this article, a temporary location shall mean a location for that business at which the business is operated for a period of less than six months in a period of one year.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such application shall be on a form prescribed by the Board of Selectmen, and shall state thereon the kind of merchandise to be offered for sale or purchases; and the permanent address of the person, firm or corporation engaging in the business of a flea market or other similar business activity.

Section 4 Fee

The fee for such a license shall be \$100.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one year from the date of issuance.

Section 5

No person, firm or corporation shall organize, permit or cause the operation of a flea market or other similar business activity on any street, sidewalk, park, parkway or in any other public place except with the written permission of the Board of Selectmen of the Town of Camden.

Section 6

Any applicant for a license shall specify adequate parking arrangements with regard to the location of the business activity under the license and those parking arrangements shall not impair safety of traffic on public ways and shall not cause unreasonable congestion on public ways.

Any licensee under the license granted hereunder shall take reasonable steps to assure that the business activity licensed hereunder shall not unreasonably impair safety or unreasonably cause traffic congestion on public ways.

Any licensee hereunder shall not cause or permit signs advertising the licensed activity on any public way or public place except with the express permission of the Board of Selectmen which said permission shall be specifically requested by the applicant and, if granted by the Board of Selectmen, shall be endorsed on the license.

Section 7 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$250.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each date during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151

CHAPTER VI-5 Hawking and Peddling Ordinance

Section 1 Authority

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for the regulation of the business of hawking and peddling of food and drink or merchandise at retail and regulating the business of itinerant vending of food or drink from the Food Trucks is hereby adopted. Activities such as the operation of a lemonade stand operated by a minor on the parent's property; an agricultural farm stand; and the preparation, sale and service of food, conducted by religious, charitable, educational and other non-profit institutions serving the local area, are excluded from the provisions of this Ordinance. After careful consideration, the residents of the Town of Camden find that in order to preserve the beauty of the Town and at the same time allow reasonable commercial activity on certain public property for specific Vendors for limited time periods, the regulation of hawking and peddling is necessary for the general welfare, health and safety of the public and the residents of the Town of Camden. After careful consideration, the residents of the Town of Camden find that in order to preserve the beauty of the Town and at the same time allow reasonable commercial activity on certain public property for Specific Vendors for limited time periods, the regulation of hawking and peddling is necessary for the general welfare, health and safety of the public and the residents of the Town of Camden.

Section 2 Definitions

Food Truck: A truck which has a current registration from the Maine Department of Motor Vehicles where food and/or drink is prepared and sold at retail for consumption by the public. Food trucks are not the same as peddler trucks and/or peddler carts.

Hawker: Any person operating on public property selling, or offering for sale, to the general public, merchandise from a movable structure.

Hawking and Peddling: The business of a person who travels from place to place for the purpose of selling food, drink or merchandise at retail to the general public.

Peddler: Any person operating on public property selling, or offering for sale, to the general public, food from a temporary movable structure such as a Peddler Cart, a Peddler Truck, a tent pop-up canopy or a Food Truck.

Peddler Cart: Any stand, cart or push cart capable of being moved, which is designed and constructed to permit the preparation, sale and serving of food exclusively to the public. This cart is a temporary, mobile structure which is located in a specific place on a parcel of land and is not permanently affixed to either to the ground or to a permanent structure.

Any stand, cart or push cart which is not capable of being moved shall be considered to be a structure and not covered by this Ordinance.

Peddler Truck: A truck, which has a current Department of Motor Vehicle license, from which only unprocessed food such as, but not limited to, seafood, fruits and vegetables are sold and is located on public property or on the street right-of-way subject to conformance with all traffic regulations.

Public Property: Real property located within the Town of Camden in which the Town of Camden has some right title and interest, be it by fee title, easement, lease or license, including but not limited to all Town Ways and Public Easements. The Select Board is hereby authorized, from time to time, to exempt any Public Property from the scope of this definition, in its sole discretion.

Section 3 Vendor's License Required

It shall be unlawful for any person, firm or corporation to engage in the business of hawking and peddling of any food, drink, merchandise, article or thing without having first secured a vendor's license therefor from the Select Board of the Town of Camden or its designee, except for any such person, firm or corporation listed in the following paragraph who is not involved in the business of itinerant vending of food and drink or merchandise at retail. Subject to the mandatory requirements of Section 4 herein, the terms of each vendor's license shall be as determined by the Select Board, in its sole discretion with due consideration of the public health, safety and welfare. Issuance of any vendor's license shall be a permissive act of the Select Board; no person shall have a right to obtain a vendor's license.

This ordinance does not apply to person's selling merchandise by sample, list or catalogue for future deliveries; farm, dairy, orchard, fish, and forest products of their own production; newspapers and religious literature; unless such firm or corporation is engaged in the business of itinerant vending of merchandise at retail. By adoption of this Ordinance, the activity of hawking and peddling is hereby approved in all zones within the Town of Camden, and shall not be considered a "Use" of real property as regulated by the Zoning Ordinance of the Town of Camden.

Section 4 Application for a Vendor's License

Applications for such licenses shall be made to the Select Board by delivery of such application to the Town Clerk; and such applications shall be on a form prescribed by the Select Board, and shall state thereon the description and number of vehicles, if any, intended to be operated in connection with the business for which a license is required, the kind of merchandise to be hawked or peddled; and the permanent address of the hawker or peddler.

Application for a vendor's license shall be on a form prescribed by the Select Board or its designee. At a minimum, a vendor's license for Hawkers and Peddlers shall specify:

- i) The Hawker or Peddler must have received preliminary approval to participate in an event that has received approval from the Select Board or its designee;
- ii) The Hawker or Peddler must be located on Town-owned property.
- iii) Business cannot be conducted outside the timeframes of the specific event noted above;
- iv) Amplified customer notification systems and amplified music are prohibited;
- v) Exterior lighting shall not create unreasonable glare and shall not be localized lighting that is used with the peddler truck or cart for the purpose of food preparation and used on the exterior of the peddler truck or cart for menu focused, minimal menu illumination;
- vi) Signage shall be limited to externally illuminated on-truck signs and menu signs; the size and location of signs shall be determined by the Select Board, in its sole reasonable discretion; provided however, the Select Board shall give due consideration, but not be bound by, the maximum allowable sign specifications for each zone as described in Article XI, Section 11, of the Camden Zoning Ordinance shall be prohibited; otherwise, Article XI of the Camden Zoning Ordinance shall not apply to a Peddler Cart or Truck which is the subject of a duly authorized Vendor's Contract.
- vii) Hawkers and Peddlers shall not verbally solicit business from pedestrians or persons in vehicles or conduct sales to persons in vehicles;
- viii) Hawkers and Peddlers of food or drink shall obtain all required municipal and state inspections and licenses prior to the sale of any food or drink.

Section 5 Hawkers and Peddlers

No hawker or peddler shall ply his trade on any street, sidewalk, park, or parkway or any other public place unless the Vendor's Contract hereunder specifies that peddling and hawking in such places is permitted thereunder.

Section 5 Fees

The fee for such a license shall be \$50.00 for each event on public property; and \$100 for those on non-public property, the duration of such non-public property license shall be one (1) year from the date of issuance. The fee shall be payable with the submission for the license.

Section 6 Hawkers and Peddlers

No hawker or peddler shall ply his trade on any street, sidewalk, park, parkway or any other public place unless the vendor's license hereunder specifies that peddling and hawking in such places is permitted. Thereunder.

Section 7 Penalties

Any person, firm, or corporation violating any provision of this ordinance shall be subject to the General Enforcement Ordinance, and therefore fined not less than \$100.00 nor more than \$2,500.00 or for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 32 MRSA, Sec. 4681 et seq.; 9 MRSA, Sec. 5001 et seq.; 9-A, Sec. 3-501 et seq. **Amended June 13, 2018** Annual Town Meeting, see 30-A MRSA Section 3001 et seq.

CHAPTER VI-6 House Trailer Ordinance

No house trailer, as defined in Title 36, Section 1481, shall be moved over the highways of this State through use of dealer plates or transporter plates unless the operator of the vehicle hauling such trailer has in his possession a written certificate from the tax collector of the municipality from which the trailer is being moved, identifying the trailer and stating that all property taxes applicable to the trailer, including the current tax year, have been paid, or that the trailer is exempt from such taxes. The tax year shall be the period from April 1 through March 31.

Section 1481 of Title 36 defines a "house trailer" (not including a camp trailer) as

"A trailer or semi-trailer which is designed, constructed and equipped as a permanent or temporary dwelling place, living abode or sleeping place and is equipped for use as a conveyance on highways, or

"A trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer . . . but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier."

Also, no house trailer shall be moved into or from the Town of Camden without a permit from the Code Enforcement Officer.

Historical Note: State statute effective October 1, 1969

State Law Reference: 29 MRSA, Sec. 354(5) (formerly 29 MRSA, Sec. 336(4))

CHAPTER VI – 7

An Ordinance to Establish a Parking Trust Fund – 1999

Preamble. Article X, Part II, Section 4(2)(c)(5)(ii) of the Zoning Ordinance of the Town of Camden, Maine states that the off-street parking requirements of Article X, Section 4 of the Zoning Ordinance shall be waived upon application to the Zoning Board of Appeals, in the event that a Parking Trust Fund has been established by the Town of Camden for the Downtown Business (B-1) District, the Transitional River Business District (B-TR), and the Harbor Business (B-H) District and in the further event that the applicant demonstrates that the applicant is a participant in that Trust Fund, hereinafter referred to as the “Fund”, financed through a fee mechanism which, once established, shall constitute a method by which property owners in the B-1, B-TR and B-H Districts of the Town of Camden can qualify for a waiver of the off-street parking requirements.

In the Town of Camden, the pressure of development combined with the ongoing growth in tourism has caused a significant and annually-increasing problem with parking in the Downtown and Harbor areas. That parking problem has resulted in a number of adverse effects for the Town of Camden including , without limitation, significant traffic problems and an inability of residents and non-residents to find parking in the Downtown and Harbor areas of the Town within a reasonable period of time, with a consequent loss of business for the Town and significant inconvenience for its residents.

The purpose of a Parking Trust Fund Ordinance is to establish a fund for the construction or expansion of municipal off-street parking facilities, and to provide a means to reduce the parking problem. By contribution to this fund, property owners in the B-1 , the B-TR, and the B-H Districts, in which the parking problem is particularly acute, will advance a solution to the parking problem which will benefit those individuals and businesses contributing to the Fund, and also be of wider benefit to the entire community.

Accordingly, the Parking Trust Fund Ordinance is enacted pursuant to the Home Rule powers of the municipality (Title 30-A M.R.S.A. §3001), in order to provide a mechanism which will allow participants in the Fund to meet the off-street parking requirements by a waiver of those requirements, without sacrificing the purposes of the off-street parking requirements.

The actual cost of construction is estimated to be \$6,000.00 to \$10,000.00 per space for ground-floor parking spaces and \$10,000.00 to \$17,000.00 per space for decked parking spaces. In order to encourage the use of the Fund mechanism, it is deemed beneficial to establish a Fund fee which is less than the anticipated actual cost of construction on the basis of the estimated cost of each parking space.

Section 1: Parking Trust Fund.

A Parking Trust Fund is hereby established by the Town of Camden. The Trustee of the Parking Trust Fund shall be the Town Manager of the Town of Camden. The appointment of the Town Manager as the Trustee shall be made by the Board of Selectmen as an annual appointment, no later than August 1 of each year.

Section 2: Powers and Duties of the Trustee.

The powers and duties of the Trustee of the Fund shall be as set forth in the Parking Trust Fund Agreement, hereinafter referred to as the "Trust", a copy of which is attached to this ordinance and incorporated by reference herein.

Section 3: Purpose of the Parking Trust Fund.

All fees contributed to the Fund shall be dedicated to the construction of municipal off-street parking facilities in accordance with plans for such construction approved by the Board of Selectmen, or for other purposes which enhance solutions to the parking problem in the Town of Camden, including, without limitation, the following purposes:

- (1) Expansion of an existing municipal parking facility;
- (2) Land acquisition costs for an existing municipal parking facility or for a proposed parking facility; and
- (3) Research and implementation of other solutions to the parking problem.

Section 4: Parking Trust Fund Fee.

In the B-1, the B-TR, and B-H Districts of the Zoning Ordinance of the Town of Camden, any applicant for a building permit, or other persons subject to the requirements of Article X, Section 4(2)(C) of the Zoning Ordinance, may apply to the Board of Appeals for a waiver of those off-street parking requirements by submitting an application to the Board of Appeals, together with such information as may reasonably be required by the Board of Appeals. The application shall specifically state the number of parking spaces which would be required of the applicant in order to meet the off-street parking requirements of the Zoning Ordinance for the proposed use, the specific number of parking spaces for which the applicant seeks a waiver, and a statement of the Parking Trust Fund fee (hereinafter referred to as the "Fee") which must be paid by the applicant in order to qualify for the waiver.

The Fee shall be calculated by multiplying the number of parking spaces for which the applicant seeks a waiver by the sum of Four Thousand Five Hundred Dollars (\$4,500.00).

Section 5: Board of Appeals Action on Application for Waiver.

Upon receipt of an application for a waiver of the off-street parking requirements, the Board of Appeals shall act upon that application within thirty (30) days of the date of receipt of that application.

Failure of the Board of Appeals to act upon such an application within thirty (30) days of the date of receipt of that application shall constitute a denial of that application.

Upon receipt of a proper application, containing all of the information reasonably required by the Board of Appeals, the Board of Appeals shall approve that application for a waiver, so long as the applicant meets the following standards:

- (1) The applicant has standing to make the application.
- (2) The applicant has not established any other uses on the land which is subject to the application, or on any other land located in the Town of Camden, which illegally violates the off-street parking requirements of the Zoning Ordinance of the Town of Camden.
- (3) The use of the land for which the applicant requests a waiver is a legal and permissible use in the zoning district in which the applicant's property is located, and any special exceptions necessary to make that use legal, or any variances which must be granted by the Board of Appeals in connection with that use, or any other approval by the Board of Appeals that is necessary in connection with that proposed use, have been approved by the Board of Appeals prior to action on the application for a waiver of the off-street parking requirements.
- (4) In the event that the waiver is requested for fewer than the required number of off-street parking spaces, then the applicant's proposed use, with the waiver, will thereafter comply with the off-street parking requirements.

Section 6: Issuance of Waiver by the Board of Appeals.

Any waiver of the off-street parking requirements by the Board of Appeals, as set forth in Section 5 of this Ordinance, shall be subject to the condition that the waiver shall be effective only in the event that the entire amount of the Fee is paid to the Parking Trust prior to the expiration of a period of sixty (60) days from the date of approval. In the event that the applicant fails or omits to pay the Fee to the Trustee of the Fund within that sixty-day period, then the approval of the waiver shall become null and void and, in addition, the applicant shall not be permitted to make another application to the Board of Appeals for a waiver for a period of one year from the date of the initial approval. The payment of the Fee shall be made to the Code Enforcement Officer, who shall promptly deliver the Fee to the Trustee. The Code Enforcement Officer shall certify the date of payment, in writing, to the Board of Appeals.

Section 7: Segregation of Parking Trust Fund Fees.

All of the Fees contributed to the Trustee of the Fund shall be segregated from the municipality's general revenues. The Fees shall be expended solely for the purpose of construction or expansion of municipal off-street parking facilities by the Town of Camden, or for such other uses which assist the Town in solving the parking problem in the Town by providing additional parking for the general public in the vicinity of the B-1, the B-TR, and the B-H Districts.

Section 8: Schedule for Construction of a Parking Facility.

Within two (2) years of the date of enactment of this Ordinance, the Board of Selectmen shall establish a specific schedule for the construction of a municipal off-street parking facility utilizing, in part, the Fund. In the event that construction of the municipal off-street parking facility does not commence prior to November 7, 2004, then the Fund shall

refund, to each person, who contributed the Fee to the Parking Trust Fund as set forth in Section 6 above, any unexpended portion of the Parking Trust Fund Fee as of such date (November 7, 2004) in the proportion which that person's contribution to the Trust Fund bears to the total contributions made to that Fund as of that date, unless the deadline is extended by the Board of Selectmen. In the event that construction of the municipal off street parking facility has not commenced as of November 7, 2004, then the Board of Selectmen may, by a vote of that Board, extend the deadline for commencement of construction for a period of time not to exceed five (5) years, and any refund shall be calculated and payable after the date as extended.

Accrued interest on the Fund, after deduction of expenses of administration of the Trust, shall thereafter be delivered by the Trustee to the Town to be held in a segregated account dedicated to parking activities, such as studies of parking solutions.

Any person who received a waiver from the off-street parking requirement in accordance with the "Ordinance to Establish a Parking Trust Fund" enacted on November 7, 1989, shall not receive a refund as set forth in Section 8 of this Ordinance. Any such person making a contribution to the Parking Trust Fund prior to the date of enactment of this Ordinance shall remain subject to the provisions of Section 8 of "An Ordinance to Establish a Parking Trust Fund" which was enacted on November 7, 1989 and any refund of the Fee paid to the Parking Trust Fund for such person shall be determined in accordance with Section 8 of that prior Ordinance.

Section 9: Denial of Waiver.

In the event that the application for a waiver of the off-street parking requirements is denied, then the applicant's proposed use must comply with the off-street parking requirements of Article X, Part II, Section 4(2)(c) of the Zoning Ordinance of the Town of Camden. Such denial shall be in writing and shall contain sufficient findings of fact to inform the applicant of the reasons for denial.

Section 10: Periodic Review.

The Board of Selectmen shall review, at intervals of five (5) years from the date of enactment of this Ordinance, the operations of the Fund. At the election of the Board of Selectmen, the Fund may be audited periodically by an accountant.

As part of the periodic review of the Fund, the Selectmen shall determine the extent to which the initial Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space is appropriate. Upon a determination by the Board of Selectmen that such Fee is inappropriate, based upon actual construction costs, then the Board of Selectmen may cause an increase or decrease in the Fee for any person making an application for a waiver after the date of any determination by the Board of Selectmen that such Fee is inappropriate.

As of the date of enactment of this Ordinance, and for all prior years in which contributions were made into the Parking Trust Fund in accordance with the Ordinance for such a Parking Trust Fund adopted on November 7, 1989, the Parking Trust Fund Fee in the

amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space shall be deemed reasonable and that Fee shall not be considered excessive for any such prior year.

Section 11: Appeal to Superior Court (80-B).

Any denial or adverse decision may be appealed by an aggrieved party with standing to the Superior Court, by filing a complaint for review of governmental action in accordance with Rule 80-B of the *Maine Rules of Civil Procedure* within thirty (30) days of the date of the decision of the Board of Appeals.

Section 12: Waiver – Succeeding Businesses.

In the event that the Board of Appeals permits a waiver of the off-street parking requirements in conformity with Section 6 of this Ordinance, then any such waiver shall apply to any succeeding business resulting from a sale or conveyance of the business of the applicant for a waiver, so long as the succeeding business is in the same category of use, for purposes of determining the parking requirements, as the business for which the waiver was originally granted.

Section 13: Contributions to Parking Trust Fund Prior to Date of Enactment.

Any contribution to the Parking Trust Fund which occurs prior to the date of enactment of this Ordinance shall be held by the Trustee in accordance with the provisions of this Ordinance, except as otherwise expressly stated in this Ordinance.

CHAPTER VI-10

Policy of Shade Tree Removal

Section 1 - Preamble

The Town of Camden hereby adopts the following public shade tree ordinance in order to regulate the removal, pruning, and planting and maintenance of public shade trees within the limits of any Town road or public right of way and of trees located on public property.

Section 2 - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, M.R.S.A., 3001.

Section 3 - Definitions

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Public Trees-All trees located upon any public property owned by the Town of Camden
- 3.3 Public Shade Trees-All trees within or upon the limits of any Town road, public right of way, or any highway within the meaning of Title 30-A, M.R.S.A., 3281
- 3.4 Tree Warden-An official of the Town of Camden appointed by the Board of Selectmen who shall have the care and control of all public shade trees upon and along Town roads and public rights of way and in the parks and public lands of the Town of Camden, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this Section shall have a meaning consistent with Title 30-A, M.R.S.A. to the extent that such term is defined in that Title; any terms which are not defined in that Title shall have a meaning consistent with common usage.

Section 4 - Appointment of Tree Warden

Within thirty (30) days of the annual Town Meeting, a Tree Warden and an Alternate Tree Warden shall be appointed annually by the Board of Selectmen, each for a term of one (1) year.

The Alternate Tree Warden shall serve in the absence of the Tree Warden.

Section 5 - Prohibition

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the Tree Warden for those actions.

Section 6.0- Request for Consent from Tree Warden

6.1 Written request-Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the Tree Warden and shall state specifically the action intended to be taken by that person concerning a public shade tree or public tree.

6.2 Written Decision-Within ten (10) days of receipt of a written request pursuant to Section 6.1, the Tree Warden shall approve the request, approve the request with conditions, or deny the request in a written decision mailed to the person making the request.

The Tree Warden shall have the authority to impose reasonable conditions upon approval of the request in order to preserve and maintain public shade trees or public trees; and in order to protect the safety and convenience of the Town roads, highways, public rights of way, and public lands.

Section 7 - Appeal

In the event that a person making a request is aggrieved by the decision of the Tree Warden, then such a person shall have the right to appeal the decision of the Tree Warden to the Board of Selectmen within ten (10) days of the date of the decision of the Tree Warden. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the Board of Selectmen, the Board shall hold a public hearing within thirty (30) days, and thereafter deny the appeal or overturn the decision of the Tree Warden.

Section 8 - Guidelines for Cutting or Altering of Public Shade Trees

After a public hearing, the Board of Selectmen shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Tree Warden shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 - Penalties

Any person who violates the provisions of this ordinance or fails to seek approval of a request pursuant to this ordinance shall commit a civil violation for which a penalty may be assessed as follows:

- a) A penalty of up to Five Hundred Dollars (\$500.00) may be adjudged for the cutting down or removal of any public shade tree or public tree in violation of this ordinance;
- b) A penalty of up to Two Hundred Fifty Dollars (\$250.00) may be Adjudged for any pruning, planting, or altering of a public shade tree or public tree in violation of this ordinance.

The penalties set forth may be adjudged, upon complaint, by the municipality to the District Court or the Superior Court.

Section 10 -Abatement and Injunction

In addition to the penalties set forth above, the Tree Warden, on behalf of the Town, may seek an abatement of the violation, or injunctive relief, including an award of reasonable attorney fees from the District Court or the Superior Court.

Section 11-Severability

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12-Other Laws and Ordinances

This ordinance shall not prohibit or prevent the Town from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the Board of Selectmen for the following purposes:

- a) To layout, alter or widen the location of Town roads or highways;
- b) To lessen the danger of travel on Town roads or highways
- c) or To suppress tree pests or insects.

The consent of the Tree Warden is not required for pruning, cutting or removal of trees by the Town for the foregoing purposes set forth in Section 12 of this ordinance. The consent of the Tree Warden is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public park and other public facilities which are managed by the Parks and Recreation Department of the Town of Camden. The Town shall, however, conform to any guidelines adopted pursuant to Section 8.0 of this ordinance in any actions taken for the foregoing purposes.

Historical Note: Adopted November 8, 1994

Chapter VI- 12

CAMDEN CONSERVATION COMMISSION ORDINANCE

Section 1 Commission established.

A conservation commission is hereby established pursuant to Title 30-A, Sections 3261-3263, M.R.S.A. to consist of seven (7) members appointed by the Board of Selectmen, all of whom shall be residents of the Town. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the Board of Selectmen shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of one-third of the members shall expire each year.

Section 2 Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the Town.

Section 3 Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4 Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the Town;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) May keep an index of all open areas within the Town, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the Board of Selectmen or to any board of the Town or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;

- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall undertake any other conservation or environmental activity referred to it by the Board of Selectmen.
- (g) May recommend to the Selectmen the acceptance of gifts in the municipality's name for any of the Commission's purposes.
- (h) Shall carry out the guidelines in the Camden Community Forest Management Plan approved by the Board of Selectmen.

Section 5 Officers, meetings and records.

- (a) The members shall annually elect from their membership a chairperson, a vice-chairperson and a secretary.
- (b) All meetings of the Conservation Commission shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (c) Minutes shall be kept of all meetings.

Section 6 Limits of authority.

Nothing contained within this section shall supersede the provisions of the Town Charter, the Code Book of the Town of Camden. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

Adopted by the voters of the Town of Camden on June 8, 1999.

CHAPTER VI - 13

Tour Bus Ordinance

Pursuant to Title 30 of the Maine Revised Statutes, Sec 2151-A and Sec. 2152-C (2) (A), and under the Home Rule Authority of the Town of Camden, the Municipal Officers hereby enact an Ordinance governing the loading and unloading of tour buses and the parking of tour buses.

The purpose of this Ordinance shall be to relieve traffic and parking congestion and encourage safety in the loading and unloading of tour buses in the Town of Camden.

Section 1 Loading and Unloading

Tour buses loading and unloading passengers in the Town of Camden shall cause such passengers to be loaded and unloaded only in areas designated for that purpose in the Town of Camden. Areas for that purpose designated by the Town of Camden shall be properly marked and signed.

Section 2 Downtown Parking

Tour buses shall only park for durations no longer than 15 minutes for loading and unloading in designated parking areas. The Town shall designate and properly sign certain locations within downtown Camden for purposes of such parking.

Section 3 Definition of Tour Bus

For purposes of this Ordinance, tour buses shall mean all buses which transport tourists or other visitors to the Town of Camden for stays of a duration less than one (1) week, except Greyhound buses using the Town of Camden as an intermediate stop on a regular route.

Section 4 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined Two Hundred Dollars (\$200) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a Court of competent jurisdiction to the use of the municipality.

Any violation of this Ordinance shall be considered a traffic infraction.

Any person, firm or corporation charged with violation of this Ordinance may waive all court action by payment of the fine within ten (10) days after notice to such violator of the violation.

Historical Note: Adopted June 13, 1988; amended June 6, 1994 Selectmen's Minutes.

CHAPTER VI - 14

DISBURSEMENT OF MUNICIPAL FUNDS ORDINANCE

Section 1 – Preamble

The Town of Camden hereby adopts the following ordinance to provide an alternative to the statutory procedure for approval of warrants authorizing the Treasurer to disburse money.

Section 2 – Statutory Basis for Enactment

This Ordinance is enacted pursuant to the provisions of Title 30-A M.R.S.A. 5604 (2) (A) and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A. 3001.

Section 3 – Disbursement of Municipal Funds – General Procedure

Except as otherwise stated in this Ordinance, the Treasurer may disburse money only on the authority of a warrant drawn for that purpose upon a warrant which is either:

- (a) Affirmatively voted and signed by the majority of the Board of Selectmen at a duly called meeting of that Board,
- (b) Seen and signed by at least, three members of the Board of Selectmen acting individually and separately, or
- (c) Signed as otherwise provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs in accordance with Title 30-A M.R.S.A. 5603 (2)(A) (1) and (2).

Section 4 – Disbursements From Trust Funds Held by Town

The Treasurer may disburse money from any trust funds held by the Town of Camden, only on the authority of a warrant drawn for that purpose, signed by, at least, a majority of the members of the Board of Selectmen pursuant to Section 3(b) above, and in accordance with a decision of the members of the Trust Fund Advisory Committee. The Trust Fund Advisory shall be composed of the Selectmen designated by the Chairman, the Town Manager, and Office Manager/Bookkeeper of the Town of Camden. All disbursements for expenditures of such trust funds shall be in accordance with the terms and conditions set forth in any will, trust, or other document which creates the fund. In the absence of terms and conditions in such a will, the Trust Fund Advisory Committee shall have the authority to exercise discretion in the development of criteria for the trust fund.

The procedure for the disbursement of money from trust funds of the Town shall apply to the following trust funds and any other trust funds held by the Town:

- (1) Charles Wood Charitable Fund
- (2) Nellie Knowlton Fund
- (3) Firewood Charity Fund;
- (4) Citizens for Donations for Worthy Poor Fund

These policies and procedures adopted by the Board of Selectmen may permit the disbursement of funds and money for such projects and special purposes on authority of a warrant for that purpose which has been signed by one or more Selectmen designated by the Board of Selectmen. Upon adoption, any such policy must be filed with the Town Clerk and the Municipal Treasurer and renewed annually by a vote of the Board of Selectmen.

Adopted at Town Meeting June 12, 1996.

CHAPTER VI - 15

Public Library Ordinance

Preamble:

The purpose of this ordinance is the modification and clarification of prior Town votes in 1896 and 1926 concerning the Camden Public Library in order to reflect contemporary considerations consistent with the Home Rule Authority of the Town, and State law concerning public libraries set forth in Title 27 M.R.S.A. §101.

Article I - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions of Title 30-A, M.R.S.A. §3001, and pursuant to the provisions of Title 27, M.R.S.A. §101-109, inclusive.

Article II - Establishment of Public Library

There shall be a public library of the Town, known as the "Camden Public Library." The purpose of the public library shall be to provide the inhabitants of the Town of Camden, and surrounding communities with public library services and facilities.

Article III - Governing Board

The governing board of the Camden Public Library shall be the Board of Trustees.

Article IV - Appointment of the Board of Trustees

The initial Board of Trustees shall be the Board of Trustees of the Camden Public Library which is in office as of the date of the Town Meeting at which this ordinance is enacted. The names and addresses of the initial Board of Trustees are attached to this ordinance as Exhibit A.

The initial Board of Trustees, and all subsequent Boards, shall consist of the number of members set forth in the By-laws each serving a three-year term, with the term of each member of the initial Board of Trustees commencing on the date of enactment of this ordinance and ending on the date set forth in Exhibit A.

New members of the Board of Trustees shall be elected by the Board of Trustees in accordance with the Bylaws of the Board of Trustees, subject to confirmation by the Board of Selectmen. The election of a new member shall be reported in writing by the President of the Board of Trustees to the Board of Selectmen within ten (10) days of the date of election. The Board of Selectmen shall act upon confirmation of a new member of the Board of Trustees within thirty (30) days of its receipt of that report.

The Board of Selectmen may appoint one member of the Board of Selectmen to act as a liaison between the Board of Selectmen and the Board of Trustees, and the Selectman so appointed may attend all meetings of the Board of Trustees.

Article V - Bylaws of the Board of Trustees

The Bylaws of the Board of Trustees in force at the time of enactment of this ordinance, a copy of which is attached to this ordinance as Exhibit B, shall govern the conduct of the Trustees. Amendments to the Bylaws shall be made by the Trustees in accordance with the Bylaws subject to confirmation of each amendment by the Board of Selectmen within thirty (30) days of receipt of Bylaw amendments by the Board of Selectmen.

Chapter VI-16
ORDINANCE CONCERNING THE OPERATION AND MAINTENANCE
OF THE MOUNTAIN VIEW CEMETERY AND THE OAK HILL CEMETERY
IN THE TOWN OF CAMDEN

PREAMBLE

Consistent with the historical relationship between the Camden Cemetery Association and the Town of Camden, this Ordinance is enacted to reflect contemporary considerations for the Town's cemeteries and in accordance with the Home Rule Authority of the Town.

ARTICLE I: AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, MRSA Section 3001 and Title 13 MRSA Section 1373.

ARTICLE II: PUBLIC CEMETERIES

There are two public cemeteries in the Town of Camden: Mountain View Cemetery and the Oak Hill Cemetery. The purpose of the Cemetery Association shall be to provide the inhabitants of the Town of Camden, inhabitants of surrounding towns and communities, and families and individuals who may contract with the Town of Camden from time to time for the burial and internment of human bodies and for other services and facilities normally associated with a public cemetery, including any future cemeteries in the Town.

ARTICLE III: GOVERNING BODY

The governing body of the Cemetery Association shall be the Board of Trustees.

ARTICLE IV: APPOINTMENT OF THE BOARD OF TRUSTEES

The initial Board of Trustees shall be the Board of Trustees of the Camden Cemetery Association, which is in office as of the date of the Town Meeting at which this Ordinance is enacted. A copy of the names and addresses of the members of the Board of Trustees in office as of June 9, 1999 is attached to this ordinance.

The initial Board of Trustees shall consist of seven members with staggered terms as follows: Three members shall serve a three year term, commencing July 31, 1999 and expiring on July 31, 2002; two members shall serve a two year term, commencing July 31, 1999 and expiring on July 31, 2001, and two members shall serve a one year term, commencing July 31, 1999 and expiring on July 31, 2000.

Following the establishment of the Board of Trustees, vacancies in the Board of Trustees, by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Selectmen of a person to fill each such vacancy, as the vacancy occurs. The Town of Camden finance supervisor will be an ex-officio member of the Board of Trustees.

Each new appointee shall assume office, and that appointee's term of office shall commence as of the date of appointment by the Board of Selectmen.

ARTICLE V: OFFICERS OF THE BOARD OF TRUSTEES

The Board of Trustees shall elect a chairperson and a vice chairperson. The finance supervisor shall serve as the recording secretary. The foregoing officials shall be the officers of the Board of Trustees and shall serve in that capacity for a term of one year, or until his or her successor shall be elected by a subsequent Board of Trustees.

ARTICLE VI: MEETINGS OF THE BOARD

Meetings of the Board of Trustees shall be held at such times as the Board may determine. Special meetings of the Board of Trustees may be called by the Chairperson or, in the case of the disability or absence of the Chairperson, by the Vice Chairperson, upon notice to each Board member as well as to the public of each such special meeting, no less than three days prior to each special meeting. All meetings of the Board of Trustees, with the exception of executive sessions permitted by law, shall be public meetings and the public shall be permitted to attend.

ARTICLE VII: POWERS, AUTHORITY, AND DUTIES OF THE BOARD

The Board of Trustees shall have the power, authority, and duty to manage and to control the public cemeteries, in all things connected with those cemeteries, including the authority to:

- A. Engage the services of independent contractors and companies for maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- B. Coordinate and monitor the hiring and supervision of employees of the Town providing work and services for the maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- C. Accept gifts and endowments for the use of the Cemetery Association in the operation, maintenance and preservation of the public cemeteries, subject to the requirement that the acceptance of all such gifts and endowments shall be confirmed by the Board of Selectmen of the Town;
- D. Purchase and arrange for the purchase of all materials, equipment, and supplies for the operation, maintenance, and preservation of the public cemeteries;
- E. Direct the expenditure of Cemetery Association funds.
- F. Direct the investment of Cemetery Association funds, in consultation with the Board of selectmen of the Town and in accordance with the provisions of Article X of this ordinance.

- G. Establish bylaws and regulations for the operation and management of the public cemeteries, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and
- H. Engage in all functions and perform all duties required for the operation, maintenance, management, and preservation of the Mountain View Cemetery, the Oak Hill Cemetery, and any other public cemeteries of the Town of Camden.

ARTICLE VIII: SEXTON

The Board of Trustees shall appoint a Sexton who will work under the direction of the Board of Trustees; for purposes of the Town's personnel policies, the Finance Supervisor of the Town shall be the supervisor of the Sexton. Among other duties assigned to the Sexton, the Sexton shall be responsible for the location of grave sites, and coordinating grave openings and closings.

ARTICLE IX: TOWN FINANCE SUPERVISOR

The Town finance supervisor shall serve as a financial assistant to the Board of Trustees for the purpose of providing monthly financial information on Cemetery Association revenues and expenses.

ARTICLE X: DONATIONS AND CEMETERY ASSOCIATION FUNDS

All funds that have been donated to the Town of Camden or to the Cemetery Association for the use of the Mountain View Cemetery, the Oak Hill Cemetery, or any other public cemetery in the Town, and all cemetery revenues, shall be held in the name of the Cemetery Association. The Board of Trustees shall be responsible for the investment and management of all such Cemetery Association funds, or funds resulting from donations to the Town for cemetery purposes.

With the concurrence of the Board of Selectmen, the Board of Trustees shall make decisions concerning the investment of Cemetery Association funds and Town funds.

As directed by the Board of Selectmen, in consultation with the Cemetery Association, the Treasurer of the Town shall invest Cemetery Association funds in accordance with the provisions of Title 30-A MRSA Section 5706. Cemetery Association trust funds and funds donated to the Town for cemetery purposes may be pooled with other Town trust funds for investment purposes, as directed by the Board of Selectmen. In the event that such funds are pooled with other Town trust funds, the interest and income earned on those funds shall be segregated from other income and such interest and income shall be used exclusively for the purposes of the public cemeteries of the Town. In the event that any instruments of donation or gifts to the Cemetery Association or the Town contain restrictions or limitations on the investment of those funds, then those funds shall be invested in compliance with those restrictions and limitations.

ARTICLE XI: CEMETERY BUDGET

The Board of Trustees shall be responsible for the preparation of the annual budget. The Board of Trustees shall develop an annual operating and capital budget showing line item expenses and supporting revenue. The annual budget for the Cemetery Association shall show the investment of all funds and donations, and the expenditures anticipated for the operation of the cemeteries for the budgetary year.

ARTICLE XII: APPLICABILITY OF PERSONNEL POLICIES

Except as otherwise stated in this Ordinance, all employees of the Town working at the public cemeteries, including the Sexton, shall be subject to the personnel policies of the Town of Camden.

ARTICLE XIII: AUTHORITY TO HIRE INDEPENDENT CONTRACTORS

The Board of Trustees shall have the authority to engage independent contractors for purposes of providing services for the maintenance, care, repair, and preservation of the public cemeteries, and equipment and facilities associated with those cemeteries. Independent contractors shall be engaged for such work on terms and conditions approved by the Board of Trustees. Independent contractors shall not be considered employees of the Town of Camden or the Cemetery Association and shall not be subject to the personnel policies of the Town.

ARTICLE XIV: OWNERSHIP OF CEMETERIES

All cemeteries, cemetery lots, and portions of public cemeteries located in the Mountain View Cemetery and the Oak Hill Cemetery shall be owned by the Town of Camden, including all portions of cemeteries or cemetery lots conveyed to the Camden Cemetery Association, unless ownership by the Town of Camden violates a restrictive covenant or prohibition set forth in a deed concerning a portion of a cemetery or a cemetery lot. The Camden Cemetery Association shall execute deeds and other instruments for recording in the Knox County Registry of Deeds conveying all such interest in the cemeteries, cemetery lots, and portions of public cemeteries to the Town of Camden.

ARTICLE XV: EFFECTIVE DATE

This Ordinance shall take full force in effect on the date of enactment of this Ordinance at a Town Meeting of the Town of Camden.

ARTICLE XVI: PRIOR CEMETERY ORDINANCES

Upon enactment of this Ordinance, this Ordinance shall supersede any other ordinance or operating arrangement between the Town of Camden and the Camden Cemetery Association, and any prior ordinance is repealed. All cemetery facilities, including equipment, supplies, and materials, shall be transferred to the Town of Camden under the supervision of the Board of Trustees as established by this Ordinance.

Adopted by the voters of the Town of Camden on June 8, 1999.

Chapter VI-17 GENERAL ENFORCEMENT ORDINANCE

The purpose of this Ordinance is to provide an enforcement mechanism for any and all Ordinances duly adopted within the Town of Camden, which do not therein delegate a specific enforcement authority to issue notice of violation letters and subsequently prosecute ordinance violations.

1. **EFFECTIVE DATE:** This ordinance shall be effective upon adoption of the voters of the Town of Camden.

2. **AUTHORITY:** The following responsibilities for enforcement are allocated as follows:
 - a. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce the Flea Market Ordinance, the Hawkers and Peddlers Ordinance, the House Trailer Ordinance and the Newspaper Vending Rack Ordinance, all as amended from time to time.

 - b. The Chief of Police or his authorized representative of the Camden Police Department is hereby authorized and shall enforce all parts and sub-parts of the Town of Camden Police Ordinance, as amended from time to time.

 - c. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce all other Ordinances of the Town of Camden for which there is no specific enforcement officer identified therein.

This Ordinance shall not affect or modify enforcement authority previously established in any Ordinance of the Town of Camden or any State Law to the extent that it conflicts with the provisions of this Ordinance. The Code Enforcement Officer or the Police Chief, as described herein, are hereby authorized to issue Notices of Violation and to prosecute matters, either individually or in conjunction with the Town Attorney for the Town of Camden. Prosecution or defense of actions in District or Superior Court may proceed after it is authorized by the Select Board of the Town of Camden.

3. **PENALTIES:** The monetary civil penalties for violations of any Ordinance of the Town of Camden, which does not already specifically include a monetary penalty for violations therein, shall be as follows:
 - a. For violations of the terms and conditions of any such Ordinance there shall be a \$100.00 minimum penalty and the maximum penalty shall be \$2,500.00, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a Notice of Violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Camden, or in hand, or by certified mail, return receipt requested.

- b. In addition to the penalties provided herein, the Town of Camden through its duly appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all Ordinances of the Town of Camden, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.
 - c. As an alternative, in part or in whole, to the penalty provisions as described in subsection 3(a), the Town and violator may negotiate a community service penalty and request the Court to issue an Order of Community Service after agreement of the parties.
4. **SEVERABILITY:** If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
5. **CONFLICT WITH OTHER ORDINANCES:** Whenever the regulations of this Ordinance conflict with those of another Ordinance or Regulation, the specific terms in any other Ordinance shall control over the terms of this Ordinance.

Adopted at the June 8, 2004 Annual Town Meeting.

Chapter VI-18

TOWN OF CAMDEN CONDITIONAL GIFTING ORDINANCE

Purpose: The purpose of this Ordinance is to provide an orderly method for receiving conditional gifts, authorizing the Select Board to accept such gifts, and to provide a method for perpetual or limited term compliance with the terms of all conditional gifts accepted by the Town of Camden. This Ordinance is adopted pursuant to 30-A M.R.S.A. 5654 relating to acceptance of conditional gifts, so as to promote the general health and welfare of the people of Camden through investment and betterment of public land, buildings and facilities used and enjoyed by the public.

1. Delegation of Authority to Select Board

It is hereby found by the Inhabitants of the Town of Camden that there exists a need to provide a mechanism for acceptance of conditional gifts as are offered to the Town of Camden from time to time. The conditional gifts can take the form of tangible or intangible property. The Inhabitants of the Town of Camden hereby find that in order to adopt a more efficient and orderly process of acceptance of conditional gifts in certain circumstances as described herein, the Inhabitants of the Town of Camden hereby delegate all authority of the municipality to accept conditional gifts as referenced in 30-A M.R.S.A. 5654, as amended from time to time, to the Camden Select Board.

2. Process for gifting or naming programs initiated by the Town of Camden

In the event that the Select Board determines, after notice and public hearing, that the Town wishes to engage in solicitation of conditional gifts related to donations for development of public lands, infrastructure, fixtures, buildings or parks, the Select Board may proceed as follows:

- (a) develop a scheme of gift or naming opportunity categories, based on a predetermined level of giving, and adopt such a scheme through a set schedule;
- (b) after adoption, the scheme and schedule shall be made available to the public and posted on the Town's official website;
- (c) after initial adoption, said scheme and/or schedule may be amended from time to time as an agenda item during any duly noticed Select Board Meeting;
- (d) the terms of conditional gifting may include certain naming opportunities related to improvements on property owned by the Town of Camden or property over which the Town of Camden has rights of public access and use. The naming opportunity may include fixtures, improvements, betterments, portions or particular architectural aspects of buildings such as particular rooms, meeting areas, other particularized facilities, as well as buildings themselves; and
- (e) any such scheme relating to conditional gift solicitation shall include a detailed outline of the terms and conditions of gifting, including the duration of the naming opportunity. A naming opportunity shall not exceed a period of fifty (50) years.

3. Conditional Gifts originating from the Donor

When the Select Board receives a written notice from a prospective donor or a representative regarding a proposed conditional gift, the Select Board shall proceed as follows:

- (a) submit the matter to public hearing to receive input from the community. Input from the community may include, but not be limited to, comment relating to the amount and scope of the gift received, the type of conditions that should be attached to it, the duration of the conditions of the gift and any other related comment and/or suggestions. Select Board shall be required to consider such comments from the public, but at all times the Select Board shall retain independent discretion to accept the gift and any naming opportunity and/or other conditions associated with said prospective gift.
- (b) Notice of the hearing shall be provided in a newspaper of general circulation in the Camden area and provide for seven (7) days notice prior to hearing. The caption of the notice shall read as follows: "Consideration of Conditional Gift to the Town of Camden from (name of prospective donor)." The notice shall indicate the general conditions associated with the proposed gift as written by the prospective donor and indicate that the Select Board may or may not accept the conditions and/or may impose other conditions prior to final acceptance.

4. Deposited or invested funds

- (a) After the date upon which any conditional monetary gift, shares, bonds or other investment accounts, are received by the Town of Camden, but prior to the actual disposition of the money for the intended conditional gift, such as during a construction period prior to completion of a project, the Select Board may deposit or invest said conditional gift.
- (b) The Select Board may enter into agreement with any financial institution with trust powers authorized to do business in the State of Maine for the safekeeping of reserve funds as defined in 30-A M.R.S.A. 5801, or trust funds as defined by 30-A M.R.S.A. 5653, of the municipality; and at all times shall comply with 30-A M.R.S.A. 5706 as amended from time to time, regarding municipal deposit or investment of funds.

5. Exceptions

- (a) Gifts, testamentary or *inter vivos* trusts naming the Inhabitants of the Town of Camden as beneficiaries, shall not be subject to this Ordinance so long as there is no condition of acceptance stated in the proposed gift or trust, which would obligate the Town of Camden to incur liabilities or convey any right, title or interest in any Town asset or Town property. It is intended that acceptance of such traditional unconditional gifts and trusts will be considered through an article in the annual Town Warrant.
- (b) Town-owned Historic Buildings/Structures/Objects included within the Camden Historic Districts as depicted in the Camden Historic Area Overlay Map approved at the Camden Annual Town Meeting on June 28, 2007, and

Buildings/Structures/Objects listed on any State or Federal Register of Historic Places shall be exempt from and not subject to this Ordinance.

(c) No conditional gift may be accepted which requires any form of naming, recognition or representation of any religious or political symbols or affiliation.

6. Effective date

This Ordinance will become effective pursuant to the time frames provided in the Charter of the Town of Camden.

Historical Note: Adopted

Chapter VI-19

TOWN OF CAMDEN ORDINANCE TO REGULATE THE SALE AND/OR USE OF CONSUMER FIREWORKS

Section 1. Findings and Purpose

- (a) The Town of Camden finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to the M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.
- (b) The Town of Camden finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The Town of Camden further finds that it is in the best interests of the Town of Camden and public to prohibit the sale and use of consumer fireworks in the Town of Camden by adopting local ordinance provisions, as allowed by the relevant State law.

Section 2. Definitions

The following definitions shall apply in this section:

- (a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. “Consumer fireworks” shall not include the following products:
 - (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
 - (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
 - (3) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire

Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

- (b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

Section 3. Prohibition

No person or legal entity shall use or sell consumer fireworks in the Town of Camden. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

Section 4. Penalties, Prosecution and Legal Fees.

Any prosecution under this Ordinance shall be initiated and conducted by the Camden Police Department.

(a) Any person who uses consumer fireworks within the Town of Camden shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed;

(b) Any person who sells consumer fireworks within the Town of Camden shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed;

(c) The Town of Camden may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance; and,

(d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Camden's legal fees incurred in any prosecution under this ordinance.

Section 5. Seizure and Disposal.

The Town of Camden may seize consumer fireworks that the Town of Camden has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department, for disposal.\

Historical Note: Adopted by Special Town Meeting Vote on December 20, 2011.

Chapter VI-20

Unencapsulated Polystyrene Ordinance

SECTION 1 – PURPOSE

The intent of this ordinance is to eliminate the use of unencapsulated polystyrene in dock floats and buoys on Camden’s lakes, rivers, harbors and coastal waters.

The Inhabitants of Camden make the following findings: Polystyrene is a petroleum product, commonly known as Styrofoam. It is often used in dock floats because of its buoyancy. It is neither readily recyclable nor biodegradable and takes hundreds of years to degrade in the environment. When exposed to the elements, it fragments into unsightly, small, non-biodegradable pieces that may be ingested by marine life, wild and domestic water birds and other wildlife. When ingested, the polystyrene fragments may block the digestive system of birds and animals, killing them through starvation. Aquatic and land mammals, other organisms, and nesting rodents hasten the fragmentation of polystyrene by forming nests in, under or on top of the material when seasonally stored on land. Mechanical trauma such as the dragging of floats over land may also cause the polystyrene to break apart. The deterioration of larger polystyrene floats into beads and smaller pieces create a pollution line along shorelines, intertidal land and other places where buoyant debris collects, which is a form of pollution and increases the chances of ingestion by water dependent mammals and birds. Such pollution must be picked up and removed at the expense of the public and private citizens. To prevent such degradation, pollution and hazard to water dependent mammals and birds, polystyrene floats may be encapsulated in a hard polyethylene shell, which prevents the deterioration and spread of beads and smaller sections of polystyrene floats. The general health and welfare of the citizens, birds and animals requires that such use of unencapsulated polystyrene be banned from use in Camden’s lakes, rivers, harbors and coastal waterways. This Ordinance is adopted in relation to Home Rule Authority and plenary police powers as found in Title 30-A M.R.S. 3001, the Municipal Police Powers relating to the Public Trust in Intertidal Lands as fund in 12 M.R.S. 573(3), Title 38 M.R.S. 1 et seq., and 12 M.R.S 13072.

SECTION 2 – DEFINITIONS

Polystyrene is a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methyl styrene by weight.

Unencapsulated polystyrene means polystyrene that is not completely encased within a polyethylene shell or within other comparable materials warranted by the manufacturer for 8 years or more against cracking, peeling, sloughing, and deterioration from ultraviolet exposure and physical trauma.

SECTION 3 – USE OF POLYSTYRENE PROHIBITIONS

The use of unencapsulated polystyrene as a flotation device is prohibited for use in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy.

Unencapsulated polystyrene is hereby prohibited for use in the repair of any existing dock system, mooring system, float or buoy placed or to be placed in any lake, stream, water body, harbor or coastal water within the jurisdiction of the Town of Camden.

SECTION 4 – NUISANCE

In addition to the prohibition as described in subsection 3 herein above and the remedies available to enforcement thereof, it is hereby declared that the use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy, is a nuisance and public health hazard, and may be prosecuted as provided in the Maine Revised Statutes.

SECTION 5 – AMORTIZATION OF POLYSTYRENE USE

Upon adoption of this Ordinance, all use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden shall be prohibited. Therefore, the use of all existing unencapsulated polystyrene flotation devices in actual use as of the effective date of adoption of this ordinance shall be legally non-conforming. It is hereby declared, that all such unencapsulated polystyrene flotation devices shall be illegal on the fifth anniversary after the effective date of adoption of this Ordinance, and shall thereafter shall be subject to enforcement and removal as authorized herein. The Town of Camden finds this five year amortization in exercise of the local police power to be a reasonable regulatory means to address the public hazards to be corrected hereby.

SECTION 6 -- ENFORCEMENT

Any violation of the prohibited acts or uses described herein shall be a civil violation as defined in 17-A M.R.S.A. § 4-B and shall prosecuted under Maine Rule of Civil Procedure 80H by the Camden Harbor Master and/or the Camden Inland Harbor Master. The violator shall be subject to penalties of \$25 for the first violation. Failure to remediate the violation within 30 days after receipt of a written Notice of Violation shall result in a fine of \$25 per day for each additional day that the violation continues. In addition to the financial penalties so provided, the Town may seek temporary and permanent injunctive relief to enforce the terms of this Ordinance. Each violator found by the Court to have violated this ordinance shall pay the Town's reasonable attorney's fees and costs incurred in enforcing this ordinance.

Historical Note: Adopted by Special Town Meeting November 7, 2017.

Chapter VI-21 Miscellaneous Ordinances Prohibition on Polystyrene Containers

Section 1—Purpose

Polystyrene foam is a petroleum-based plastic made from the styrene monomer. A lightweight, good insulator, polystyrene is largely air. Many products use polystyrene to either keep items warm or cold or use the product to pack and ship items safely. Polystyrene is not easily recycled and when littered or discarded, creates undesirable impacts on water quality, stormwater, and wildlife, especially since it disintegrates easily into small particles and becomes difficult to retrieve. There are alternatives that are reusable, recyclable or compostable, which are already on the market and readily available. In keeping with this it is anticipated that substitute local packaging is expected to be of locally recyclable material.

Therefore, Camden, Maine, hereby adopts a ban on polystyrene to support the Purpose described above, and the Town finds that:

- Camden is located on Penobscot Bay, an area known worldwide for its natural beauty, fish and other wildlife;
- Camden has an obligation to maintain and preserve the area's special natural environment;
- and, maintenance of Camden as litter-free as possible is important to protect and preserve its natural environment and enhance the quality of life for residents and visitors.

This Ordinance will serve the public interest by reducing the amount of non-biodegradable waste littering Camden. In keeping with this it is anticipated that a portion of any substitute packaging is expected to be composed of biodegradable material in whole or in part.

Sec 2—Definitions

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

“Food Packager” means any person located within Camden who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

“Prepared food” means food or beverages which are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing.

“Prepared food” may be eaten either on or off premises.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical

Company trademarked form of polystyrene foam insulation) that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this Article, the term “polystyrene” shall not include clear polystyrene known as “oriented polystyrene.”

“Retail Vendor” means any person, restaurant, store, shop, sales outlet, or other establishment, including, without limitation, a grocery store, convenience store or a delicatessen, located within Camden and that offers prepared food for retail sale.

Sec. 3—Prohibitions

- A. No retail vendor in Camden shall serve or sell prepared food in polystyrene foam containers and no food packager shall package meat, eggs, bakery products, or other food in polystyrene foam containers.
- B. No retail vendor in Camden that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- C. Camden shall not use polystyrene foam food or beverage containers at any Camden facility or Camden-sponsored event.
- D. No Camden department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- E. All parties who contract with Camden shall be prohibited from using
- F. polystyrene foam food and beverage containers in Camden facilities or on Camden-funded projects within Camden.

Sec. 4— Exemptions

- A. A retail vendor or food packager that is currently existing or is established in Camden before the effective date of this Article may be exempted from the provision of this Article prohibiting the use of polystyrene foam for a period of time to be determined by the Camden Town Manager or his/her designee if the retail vendor or food packager requests an exemption in writing from the Town Manager and demonstrates to the Camden Town Manager or his/her designee that compliance with the provision constitutes undue hardship for the retail vendor or food packager. Undue hardship includes, but is not limited to, situations unique to the food vendor that are not generally applicable to other retail vendors or food packagers in similar circumstances. The Camden Town Manager or his/her designee shall make a written decision on each exemption request.
- B. Retail vendors, food packagers, Camden departments, Camden facilities, and Camden contractors are exempt from the provisions of this Article in a

situation deemed by the Camden Town Manager, in his/her sole discretion, to be an emergency for the immediate preservation of the public health, safety, or welfare.

Sec. 5—Violations and Enforcement

The Camden Police Department shall have the primary responsibility for enforcement of this Article. If the Police Enforcement Official determines that a violation of this Article has occurred, he/she shall issue a written warning Notice to the retail vendor or food packager describing violation has occurred and Ordering it to cease within 7 days. Subsequent violations of this Article after failure to cease the violation(s) shall be subject to the penalties set forth below. Violations of this Article shall be civil violations which shall be punishable as follows:

- (a) A fine not exceeding \$250 for the first violation;
- (b) A fine not exceeding \$500 for the second and each subsequent violation;
- (c) Payment of the Town’s legal fees for the prosecution of each violation; and
- (d) Violators shall be subject to injunctive relief as is reasonably necessary to prohibit future violations of any person or entity found in violation of this ordinance.

Sec. 6—Effective Date.

- (a) This Article shall become effective on April 30, 2019.

Sec. 7—Severability

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

Historical Note: Adopted by Special Town Meeting November 6, 2018.

Chapter VI-22 Miscellaneous Ordinances

Single Use Bag Ordinance

Purpose:

It is in the best interest of the citizens and visitors of Camden to protect the environment and natural resources of Maine and our Penobscot Bay region by encouraging the use of re-usable bags and discouraging the use of disposable single-use carry out bags. The town through its policies, programs and laws supports efforts to reduce the amount of litter and waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, and recycle. The intent is also to reduce the environmental impact of the manufacture and transportation of single-use bags.

Definitions

As used in this ordinance, the following terms have the following meanings:

Single-Use Carryout Bag means a bag other than a Reusable Bag, as defined below, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Retail establishment. The term Single-use Carryout Bag includes plastic, compostable and biodegradable bags, paper bags, but does not include Reusable bags, Dry cleaning bags, Produce bags, Product bags provided by pharmacists to contain prescription drugs.

Reusable Bag means a bag that meets the following criteria:

- (a) Designed and manufactured to withstand repeated uses over a period of time
- (b) Is machine washable or made from a material that can be cleaned and disinfected regularly
- (c) Has a minimum lifetime of 75 uses;
- (d) Is at least four mils thick, if made from plastic; and
- (e) Has the capability of carrying a minimum of 18 pounds

Product Bag or Produce Bag means any bag without handles used exclusively to carry produce, meats or other food items or merchandise to the point of sale inside a store or to prevent such items from coming in direct contact with other purchased items.

Retail Establishment means any business of any size which sells goods directly to the public.

Store means any of the following Retail Establishments, excluding restaurants, located within the town of Camden selling a variety of staple foodstuffs (e.g., dairy, meat, produce, and other perishable or nonperishable food items) located in a permanent building operating year round including but not limited to supermarkets, convenience stores, food marts, drug stores, grocery stores.

Single-Use Carryout Bags

- A. Prohibition. Except as provided in this section, no Retail Establishment as defined above shall provide a single-use carryout plastic bag to a customer at the check stand,

cash register or point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.

- B. A Store may make available for sale to a customer a single-use carryout paper, compostable or biodegradable bag for a mandatory, uniform charge of ten cents (\$.10) per bag.
 - a. All monies collected by a Store for the sale of single-use carryout bags under this section may be used by the store for any lawful purpose.
 - b. All Stores must post signage clearly indicating the per bag charge for paper, compostable or biodegradable single-use carry out bags.
 - c. Notwithstanding this section, no Store may make available for sale a paper, compostable or biodegradable single-use carry out bag unless the amount of the sale of the single-use carry out bag is separately itemized on the sale receipt.
 - d. No Store shall rebate or otherwise reimburse a customer any portion of the charge required in subsection (b).

Permitted Bags

Nothing in this section shall be construed to prohibit customers from using bags of any type that customers bring to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

Violations and Enforcements

The Town Police Department or their designee shall have the primary responsibility for enforcement of this ordinance. If the Town Police Department or its designee(s) determine that a violation of this ordinance has occurred, a written warning notice will be issued to the store that the violation has occurred. Subsequent violations of this ordinance shall be subject to the penalties as set forth below.

Violations of this ordinance shall be punishable as follows:

- (a) A fine not exceeding \$100 for the first violation after a warning in a one year period;
- (b) A fine not exceeding \$250 for the second and each subsequent violation in a one year period.
- (c) Reimbursement of the town's legal fees and costs for prosecution of each violation.

Effective Date: April 30, 2019

Historical Note: Citizen's Petition adopted at Special Town Meeting November 6, 2018

Chapter VI-23 Miscellaneous Ordinances
Local Food Sovereignty Ordinance

Title

This ordinance is enacted pursuant to Title 7, M.R.S. Chapter 8-F the Maine Food Sovereignty Act as may be amended and pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second and shall be known as the Town of Camden Local Food Sovereignty Ordinance. This Ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program per 7 M.R.S.A. §285, nor does it apply to any seafood products required to be produced or processed in compliance with applicable Federal or State licensing rules and regulations applicable to seafood processing.

Definitions:

1. **Agriculture:**
The production, keeping, or maintenance for sale or lease of plants and/or animals including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products.
2. **Direct Producer-To-Consumer Transaction:**
A face-to-face transaction involving Local Food between a Producer or Processor and a Patron.
3. **Farm-based Kitchen:**
An unlicensed kitchen on a property where the Producer resides; where the Local Food product is processed and produced; and where agriculture is a principal use.
4. **Local Food:**
Local Food means any food, food product, or drink that is grown, produced, or processed by Producers or Processors for human consumption as herein defined, who sell directly, face to face, with their Patrons in a Direct Producer-To-Consumer Transaction.
5. **Producer:**
Producer means any farmer or gardener who grows any plant for food or drink or raises any animal for food or drink.
6. **Processor:**
Processor means any individual who processes or prepares Local Food in a Residential Kitchen or a Farm-based Kitchen.

7. Patron:

Patron means the same as “Customer” and is the last person who:

- a. Purchases for human consumption or consumes the Local Food;
- b. Does not resell the Local Food, and
- c. Has been informed the Local Food was produced in an uninspected, unlicensed establishment, and that the Local Food has not been inspected by the applicable State agency.

8. Residential Kitchen:

An unlicensed kitchen in the home of the Producer or Preparer of Local Food on a property where Local Food is process and produced.

Licensure and Inspection

1. Except for the provisions of paragraph 2 below, Producers and Processors in the Town of Camden are not subject to State licensure or inspection provided:
 - a. Transactions are made as Direct Producer-To-Consumer Transactions; directly, face to face, between Producers or Processors and Patrons, with no other party involved in the transaction.
 - b. The Producer and/or Processor shall provide notice to Patrons stating the following: “This food was prepared and processed in a Residential Kitchen or Farm-based Kitchen by one, or a combination of, the following methods:
 - i. A sign posted in a conspicuous location at the point of delivery of the food to the customer;
 - ii. A label affixed to the food container given to the customer; and/or
 - iii. A notecard/letter provided to the customer at the point of sale.
2. This Ordinance does not exempt, nor does it apply to seafood, meat and poultry Producers and Processors from all State and Federal licensing and inspection requirements, and the requirements as described at M.R.S.A. Title 7 Chapter 8-F §285.

Compliance:

1. Individuals who grow, produce, process or prepare food or food products for other than Direct Producer-To-Consumer Transactions, shall grow, produce, process or prepare the food or food products in compliance with all applicable State and Federal food safety laws, rules and regulations.
2. The Town of Camden shall refer all complaints received concerning Direct Producer to Consumer Transactions to the applicable Federal and/or State agency.

Severability:

To the extent any provision of this Ordinance is deemed invalid by a court or competent jurisdiction, such provision will be removed, and the balance of the Ordinance shall remain valid.

Effective:

This Ordinance shall be effective immediately following its enactment by the Legislative Body of the Town of Camden.

Ordinance adopted by Town Voters on June 11, 2019