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LIMERICK ZONING ORDINANCE

An Ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

Article I – Preamble

**In pursuance of the authority conferred by Title 30, M.R.S.A., S 4962
And Title 30 M.R.S.A., S 1917, for the purpose of promoting the health, safety, and general welfare, as well as efficiency and economy in the process of development of the incorporated Town of Limerick, Maine, by securing safety from fire, panic and other dangers, providing areas between buildings and various rights of way, by preserving the amenities now attached to our town, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following ordinance is hereby enacted the voters of the Town of Limerick, Maine in official meeting convened.**

Article II – Definitions

For the purpose of this ordinance terms are defined as provided in this section.

(March 9, 2007 Passed to add Section I of Article II Definitions of existing Limerick Zoning Ordinance as follows:)

Section I.

“Junkyard”: Junkyard means a yard, field or other area used to store:

- a. Discard, worn-out or junked plumbing, heating supplies, household appliances and furniture:
 - b. Discarded scrap, and junked lumber:
 - c. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron steel and other scrap ferrous or non ferrous material.
- A. **Conditional Use:** a use permitted only after review and approval by the Planning Board. A conditional use is use that would not be appropriate without restriction, but which, if controlled under the provision of the Ordinance, would promote the purpose of this Ordinance.
 - B. **Dwelling:** a fixed structure containing one or more dwelling units.
 - C. **Dwelling unit:** a room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, bathing and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.
 - D. **Frontage:** shall mean the length of the lot bordering on the public right-of-way, or in the case of land fronting on public waters, shall mean the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.
 - E. **Front Yards:** A space extending for the full width of a lot between the extreme front line of a building and the nearest side of the right-of-way.
 - F. **Home produce and products:** means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.
 - G. **Housing for the elderly:** housing constructed or adapted specifically for occupancy by elderly persons.
 - H. **Junk:** means any old metals, old bottles, cotton or woolen mill waste, unfinished cloth, unfinished cotton or woolen mill yarns, old paper products, old rubber products, two or more unregistered motor vehicles, and other second hand articles the accumulation of which is detrimental or injurious to the neighborhood.
 - I. **Manufactured housing:** means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Ordinance, 2 types of manufactured housing are included. They are:
 - (1) Those units constructed after June 15, 1976, commonly called “newer Mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or

more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundations, when connected to their required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and

- (2) Those units commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with the state’s Manufactured Housing Act and regulation, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

(March 12, 2004 passed to add Mobile Classroom)

J. Mobile Classroom: A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

K. Mobile home: A structure, transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

L. Mobile home pads, or pad: That concrete area in a park, which has been established for the placement of a home, appurtenant structures, or addition.

M. Mobile home park: A Parcel or adjoining parcels of land under single ownership, which has been planned and improved for the placement of ten (10) or more mobile homes. Minimum lot size will be one hundred (100) feet roadside by two hundred (200) feet depth.

(Amended February 5, 1992 Article II. Definitions, Paragraph M. Multifamily Residential Buildings shall be changed from buildings composed of three or more dwelling units to buildings composed of not more than four dwelling units. Passed)

N. (M) Multifamily residential building: a building or portion thereof principally designed, adapted, or composed of not more than four dwelling units.

O. Nonconforming use: means a building, structure or use of land existing at the time enactment of this ordinance which does not conform to the regulations of this district in which it is situated.

P. Older mobile homes, trailers: are terms that may be used interchangeably, and mean any factory built home which fails to meet the definition of “manufactured housing” in paragraph 1 above and more specifically, it shall mean any mobile home constructed prior to June 15, 1976

Q. Permanent Residents. A family shall be considered a permanent resident when it has occupied any building continuously as a residence for a period of six months or more.

R. Right of Way: means and includes all town, state and federal highways and the land on either side of same as covered by statues to determine the width of rights of way, and the rights of way and public land reservations as designated on the official map of the town.

S. Seasonal Residence: buildings used for summer residence only: camps, cottages but on a structurally permanent basis and occupied less than 6 continuous months in any one 12 month period.

T. Tourist Home: shall mean any place consisting of a room, or group of rooms located on one premise where transient accommodations for sleeping or living purposes for not more than six persons are provided for a price.

(March 12, 1999: Shall the Limerick Zoning Ordinance be amended to include in Article II, Definitions, Home occupation as printed below: Passed)

W. HOME OCCUPATION

A home occupation or profession is defined as activity customarily carried on within a dwelling unit or accessory structure and clearly incidental to the use of the dwelling unit for accessory structure and clearly incidental to the use of the dwelling unit for residential purposes. Examples may include, yet, are not limited: hair-dressing, millinery, laundering, preserving and home-cooking, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession or similar uses. It shall also include an occupation or trade carried on or away from the premises and not requiring outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use, or activity not otherwise permitted within a district by this ordinance shall not be permitted as home occupation.

- 1.) Except for signs as permitted by this Ordinance, there shall be no external evidence of the occupation.**
- 2.) At least one member of the family occupying the premises must be engaged in the occupation.**
- 3.) There shall be no more than four employees engaged in the occupation, excluding family members.**
- 4.) The home occupation may utilize:**
 - A. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.**
 - B. Unfinished attic and basement spaces.**
 - C. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit as previously calculated,**
- 5.) Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.**
- 6.) Except for residential requirements, parking for a home occupation shall not exceed ten spaces.**
- 7.) Shall not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare, or other cause.**

Article III – General Provisions

- A. No junkyard or place for the storage of discarded machinery, vehicles or other scrap materials shall be maintained in any district, except that the Planning Board may issue conditional use permit for such facilities in the Residence, Farm and Forest District, the Business and the Industrial District, after assuring compliance with all of the provisions of the ordinance and with State of Maine laws regulating such facilities. The proprietor of any such facility shall apply for renewal of his conditional use permit every two years. Failure to comply with the provisions of this ordinance interpreted by the Planning Board shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.**
- B. No owner or occupant of land in any District shall permit fire or other ruins to be left but shall remove the same within one year.**
- C. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes noise vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance are prohibited.**
- D. Nothing in this ordinance shall be constructed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses, provided that at least one-half acre of open space is available adjacent to the buildings.**
- E. Where no official map or subdivision control ordinance is in effect the following shall apply:**
 - 1. The owner of any plot of ground intended for development or subdivision into building lots shall file with the Board of Selectmen a plan or map of the proposed subdivision, and shall obtain the approval of the Board of Selectmen thereon before proceeding with the development or sale of lots in said subdivision.**
 - 2. It shall be the duty of the Board of Selectmen to inspect the site of such proposed subdivision and to require such roadway and other areas for common use as will eventually be acceptable to the Town for maintenance by the Town, and to approve the same when satisfied that such proposed plans are in harmony and conducive to the general welfare of the Town and the neighborhood, and not detrimental to existing property values, but in no sense shall this be deemed an acceptance by the town of the street or streets.**
 - 3. The purpose of this Article shall be to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or necessitate excessive expenditure of Town funds for the supply of such services and to provide for the harmonious development of the municipality and its environs, and for the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets.**
- F. No permit for the erection of any building shall be issued unless there exists a street giving access to such proposed structure. Before such a permit shall be issued, such street shall have been suitably improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner shall be furnished to the town by the owner. Such performance bond shall be**

issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution.

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets or highways, the applicant for such a permit may appeal from a decision of the Building Inspector and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in passing on such appeal, impose any reasonable conditions that will protect any future street or highway layout and which will serve to protect the public health, welfare and safety. For the purpose of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.

(March 11, 2005 Passed to add to Article III of the Limerick Zoning Ordinance letter G reading:)

- G. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board’s review of an application or proposal will be charged to the applicant.

Article IV – Establishment of Districts

For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated March 10, 2006 and as subsequently amended, and including the following:

- A. Residential zone district (Res.)
- B. Single-family seasonal residence district zone (S.F. Seas.)
- C. Residence, farm and forest district zone (RF&F)
- D. Business district Zone (B)
- E. Industrial district zone (I)

ARTICLE V. DISTRICT REGULATIONS:

A. Land Use. In each district, uses and conditional uses shall be those shown on the following table.
(March 12,1999/ Passed with new chart and definitions.)

KEY: P-Permitted C-Conditional Use NP-Not Permitted

Land Uses	Res.	R,F &F	B	I	Seas.
Airplane Runways	P-4	P	P	NP	NP
Antique Shops	C	P	P	NP	C
Automobile Graveyards, Junkyards	NP	C2	NP	NP	NP
Banks & Financial Institutions	NP	C	P	P	NP
Bulk Storage & Distribution & Dry Storage	C	P	P	P	NP
Campgrounds*	NP	C	NP	NP	C
Cemeteries	P	P	NP	NP	NP
Churches	P	P	P	NP	NP
Contracting-General or Building Trades (3/9/07) voted to change from C to P / R,F & F and B Zones	NP	P	P	P	NP
Daycare & Nursery Schools (1) (3/9/01) voted to amend	C	C	P	NP	C
Daycare & Nursery Schools (2) (3/9/01) voted to amend	P	P	P	NP	C
Elderly Housing	C	C	P	NP	NP
Farming	NP	P	NP	P	NP
Flea Markets*	NP	C	P	NP	NP
Funeral Homes	P4	P4	P	NP	NP
Forestry Products*	NP	P	P	P	NP
General Business Offices*	NP	P4	P	NP	C
Home Occupations*	P	P	P	NP	C
Hospitals	NP	C	P	NP	NP
Kennels, Exotic Animals & Animal Shelters*	NP	C	C	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P4	P	P	NP	NP
Manufacturing*	NP	C	C	P	NP
Marinas	C	C	P	NP	C
Mining & Quarrying	NP	P	NP	P	NP
Mobile Classroom (3/12/04) voted to add Mobile Classroom and regulations	C	C	C	C	C
Mobile Home Parks	C	P	NP	NP	NP
Motor Vehicle Repair & Services	NP	C	P	P	NP

Land Uses	Res.	R,F, &F			
Nursing Homes & Health Care Facilities	C	C	P	NP	NP
Multi-Family Dwellings	C1	NP	P	NP	NP
Personal Services: Beauty Salon, Barber, Cobbler	P	P	P	NP	NP
Physicians, Dentist & Optometrists	P4	P	P	NP	NP
Processing Facilities*	NP	C	P	P	NP
Public Sewage Collection Inceptor Treatment Disposal System	NP	P	P	P	NP
Recreation Facilities (indoor & outdoor)*	C	C	P	NP	C
Redemption Center (Bottle & Can)	NP	C	P	C	NP
Residences	P	P	P	NP	P5
Restaurants & Take Out Foods	C	P	P	NP	NP
Retail Business	C	C	P	P	C
Schools	C	C	C	P	C
Seasonal Residences	P	P	P	NP	P
Slaughter House	NP	C	P	C	NP
Small Engine Repair & Sales (snowmobile, ATV & Lawn Equip.)	NP	C	P	NP	C
Theaters, Halls, Clubs & Night Clubs	NP	C	P	NP	NP
Tourist Homes, Bed & Breakfast, Motels	P3	C	P	NP	C
Towers (Communication & Others)	C	C	C	P	C
Transportation (less than 5 employees)*	NP	P	P	P	NP
Transportation (5 or more)	NP	C	P	P	NP
Used/New Car Lots	NP	C2	P2	NP	NP
Veterinarians	NP	P	P	NP	NP
Warehousing	NP	P	P	C	NP
Wholesale Business	NP	C	P	P	NP

Key for Land Use Chart

*-Definition provided

1 - No more than two families as permanent residences per building.

2 – Requires permit from Selectmen.

3 – An area of 200 square feet (including a bay measuring 10’ X 20’) shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.

4 – Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business.

5 – Minimum lot area of 22,500 square feet.

Land Use Chart Definitions

Banks & Financial Institution: A business or nonprofit organization providing retail financial services, including but, not limited to banks, credit unions, financial exchanges, and check cashing facilities.

Campground: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Contracting-General & Building Trades: This use may include a business involved in construction repair or demolition of residential or commercial Property.

(March 9, 2007 voted to strike out the word construction.)

(March 9, 2001 voted to amend Limerick Zoning Ordinance, Land use Chart, Article V, District Regulations, Daycare & Nursery Schools and Article V, Land Use Chart Definition of a day care center or nursery school.)

1. Day Care Center or Nursery School: A facility registered with or licensed by the State and that provides care or instruction to more than eight (8) children or is not located in a residence. This term may also apply to facilities, which provide day care to the elderly or adults with handicaps.

2. Day Care Facility or Nursery School: A facility registered with or licensed by the State and that provides care or on to eight (8) or fewer children and is located in a residence. This term may also apply to facilities, which provide day care to the elderly or adults with handicaps.

Flea Market: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios and the like.

Forestry Products: This use may include the processing of logs, tree length timber, re sawn lumber to produce a product. Products may include, but are not limited to lumber, firewood, chips, mulch, and sawdust.

Kennel: An establishment operated as a business to housedogs or other domesticated animals and where such animals are groomed, bred, boarded, trained or sold.

Motor Vehicle Repair & Service Facilities: This use may include that operation's which provide service and maintenance to motor vehicles including the accessory sale of gasoline parts and supplies. This use may include service station, muffler, transmission and brake shop, and car wash, tune up centers, painting and auto body work, engine rebuilding or structural repairs and alterations.

Nursing Home: A facility licensed by the state, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Personal Service: Establishments primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. This use may include, beauty shops, barbershops, shoe repair, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

**Processing Facilities: Preparation or packaging and sale of beef, poultry and fish products etc.
Recreation:**

A.Indoor-A place enclosed by walls, roof and floor, designed and equipped for the conduct of indoor sports, leisure time activities, and other customary and usual recreational activities, and operated by an entity other than a unit of government. This use may include, but not limited to, skating rinks, gymnasium, bowling alleys, video arcades.

B.Outdoor-Outdoor recreation activity operated by an entity other than a unit of government, whether operated for profit or not, including but not limited to cross country ski centers, ball fields, parks and playgrounds, livery and ski tows, provided they fulfill State and Town public Health requirements, but, not including campgrounds, outdoor dine and dance facilities, or games and activities as described in the definitions of amusements.

Retail Stores: An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail store shall include sales rooms or showrooms, but not motor vehicle sales, either new or used, gas stations or eating-places.

Transportation Services: This use may include the movement of goods and materials, including a for hire service. Businesses may include, but are not limited to transportation of logs, sand & gravel, produce, freight and passengers.

(Special Town Meeting-September 11, 1989)

(Article 2. To see if the town will vote to replace Paragraph B, Article V, of the Limerick Zoning Ordinance.)

(PASSED)

B. Dimensional Requirements.

All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

District:	Minimum Lot area (Sq. ft.)	Minimum Road Frontage (feet)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)
<u>Residential:</u>					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<u>Single Family Seasonal Residence:</u>					
Seasonal Use Only	20,000	100	15	10	20
Year-round use-off site water	35,000	100	15	10	20
Year-round use-on site water	62,500	100	15	10	20
<u>Residential, Farm & Forest:</u>					
On public water and sewer	35,000	175	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<u>Business:</u>					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<u>Industrial:</u>					
On public water and sewer	22,500	100	25	10	20
On site water and/or sewer	65,500	175	25	10	20

(March 12, 1993-Article 3-Shall the Town adopt a revised Multi-family Housing Ordinance as recommended by the Planning Board and written below: Voted by written ballot-191 to 144, carried (35 blanks)

ARTICLE VI – Performance Standards

A. Multi-Family Residential Buildings

1. Standards For Multi-Family Dwellings: New and Existing

- a. All applicants shall submit a site development plan to the Planning Board at a scale of not more than 1” – 20’ showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, road intersection radii, provisions for snow and rubbish removal, buffer and screening, surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, than an additional plan at scale 1” – 50” shall be submitted. A site location map at a scale of not more than 1” – 500” shall also be submitted.
- b. All Multi – Family Residential Buildings shall be located within 500 feet of an NFPA hydrant as hose is laid on the street from the hydrant.
- c. All Multi – Family Residential Buildings shall be sprinklered in accordance with NFPA standards, and be furnished with an NFPA approved fire alarm system.
- d. Surface water runoff shall be minimized and detained on site if possible or practicable. If it is not possible to detain water on – site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained, as much as possible.
- e. Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.
- f. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.
- g. Multi-family residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom. One paved car parking space shall be required for each designated elderly dwelling unit.
- h. An area of 200 square feet (including a bay measuring 10’ x 20’) shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.
- i. Garages or other accessory buildings shall not be located between the multi-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
- j. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number

and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than 2 openings onto the same street, each opening not to exceed 24 feet in width.

- k. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of 25 feet measured along the intersecting street lines.
- l. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn – around areas.
- m. Parking spaces shall be provided as required and made available for use before the final inspection is completed by the Building Inspector. An extension of one year’s time may be granted by the Building Inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.
- n. All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.
- o. An additional 7200 sq. ft. of open space shall be added to the land requirements for each 10 bedrooms. This land shall be set aside for recreational space and graded to a finish grade of from 1.5% to 3% and arrangements for maintenance will be specified.
- p.

2. NEW CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL BUILDINGS

- a. A maximum of four dwelling units shall be permitted in any single building.
- b. Land Area/Density – Shall be the larger of: 85,000 sq. ft. or 6,000 sq. ft. per bedroom, for each unit. Buffer strips, easements and right of ways, designated recreational open spaces, and other land not suitable for development shall not be used in the above formula.
- c. The maximum height of new construction shall be 35 feet from the average grade of the grounds at the foundation.
- d. Front, rear and side setbacks shall be 40 feet minimum and include a 20 foot buffer strip. If the front setback is increased to provide parking area, the width and landscaping of the front buffer strip shall be negotiated with the planning board.
- e. Buildings containing multi-family dwelling units shall be located at least fifty feet apart from each other, and 50 feet from structures on adjacent lots.
- f. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within 100 feet measured along lines of access.
- g. New multi-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.

- h. Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following “best-management” practices.**
 - 1. Stripping of vegetation, soil removal, and regarding or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.**
 - 2. The duration of exposure of the disturbed area shall be kept to a practical minimum.**
 - 3. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.**
 - 4. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.**
 - 5. During grading operations, methods of dust control shall be employed.**

3. STANDARDS FOR EXISTING STRUCTURES

- a. The following standards shall apply to proposed uses of existing structures as multi-family residential buildings. This shall include all interior remodeling and adaptation, and external site work, but shall not include construction of additional floor space.**
- b. Any lot to be used for multi-family residential purposes shall conform to MSHA minimum property standards.**
- c. Side and rear lot-line setbacks shall be 25 feet, and the front setback shall be 10 feet.**
- d. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking.**
- e. Where residential off-street parking cannot reasonable be provided on the same lot, the Planning Board may authorize its provision on another lot within 300 feet of the residential uses. Such parking areas shall be held under the same ownership or lease as the residential uses served, and evidence of such control or lease shall be required.**

4. When reviewing multi-family housing:

- a. when a conditional use permit is required,
review is by 1-conditional use ordinance
2-zoning ordinance
3-subdivision ordinance**
- b. when permitted use:
review is by subdivision ordinance only.**
- c. financial ability shall be proven at sketch plan**

ARTICLE II

Structure: Buildings, utilities or right of ways including driveways and parking areas.

Buffer strip: Undeveloped natural land with improvements and maintenance to be proposed by the applicant.

Land not suitable for development: Soils in Maine Catena, which are classified as hydric (wetlands) or have a slope greater than 20%.

B. Signs within the Town of Limerick shall be governed by the following provisions:

- 1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 32 square feet in area, and shall not exceed two signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.**
- 2. Name signs shall be permitted, provided such signs shall not exceed two signs per premises.**
- 3. Residential users may display signs not more than four square feet in area relating to the sale, rental or lease of the premises.**
- 4. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two square feet in area.**
- 5. No sign shall extend higher than 20 feet above the ground.**
- 6. Signs may be illuminated only by shielded, non-flashing lights.**
- 7. Variances from these provisions may be granted by the Board of Appeals only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town.**

C. Mobile Home Parks

1. Licenses

- a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this code. A mobile home park existing prior to the adoption of this code is required only to conform with the licensing and fee requirements of this Code unless it has been commercially inactive for two or more years. In the case of such inactive parks all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an “extension” of said use, even though the outer boundaries of the premises might not be proposed to be enlarged.**
- b. Application for a mobile home park shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.**
- c. Each application for a license shall be accompanied by a fee of one hundred dollars (100.00). Each application for a license renewal shall be accompanied by a**

fee of twenty-five dollars (\$25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.

- d. Such licenses shall be posted at all times and shall not be transferable.
- e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder thereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development

- a. The area of a mobile home park shall have provisions for at least ten (10) mobile homes.
- b. Each mobile home park shall contain lots measuring 100' roadside by 200' depth, exclusive of roads and open spaces.

3. Utility Services and Site Management

- a. **Sanitary facilities:** All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.
- b. **Solid Waste Disposal:** The management shall dispose of refuse at least once a week.
- c. **Streets and Parking:**
 - 1. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30' including sidewalks at the same level.
 - 2. There shall be at least two (2) off-street parking spaces for each mobile home lot.
- d. **Underground utilities:** All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of 24 inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.

4. Construction Standards

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this Code. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this code.

- a. **Pads:** Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.
- b. **Sewage Disposal:** Each pad shall be equipped with a 3-inch inside diameter sewage line extending at least 6 inches above the pad and being capable of being securely sealed when not in use, Sewerage systems must conform to the Plumbing Code and the MRSA.

- c. **Water Supply.** Each individual mobile home stand shall be provided with a 5' deep manhole 3' in diameter, containing a ¾" water pipe with an adequate shut-off valve. If an adequate public supply of water is available within 800 Feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering 250 gallons per day per lot.
- d. **Electric Supply:** The park electrical system or electrical equipment shall comply with applicable state standards and regulations. (Title 32 Chapters 33, MRSA.)
- e. **Telephone:** Each mobile home space shall be equipped with a telephone outlet.
- f. **Street Lighting.** The licensee shall provide and maintain adequate streetlights to be placed every 200' beginning at the entrance.
- g. **Oil and Gas:** All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.
- h. **Screened Storage:** The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.
- i. **Fire Protection:** A mobile home park shall provide suitable ingress and egress so that mobile homes may readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.

5. Individual Mobile Home Spaces

- a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.
- b. Each mobile home shall be skirted with fire-resistant materials. All materials shall comply with the Fire Code of the State of Maine.
- c. All outside storage sheds shall be capable of being closed, shall be placed towards the rear of lots, and may be used as a screening device.
- d. All skirting, plus one storage shed minimum eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.
- e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.
- f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.

6. Occupancy:

No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.

7. Open Space and Recreation Requirements:

There shall be a minimum of one-half space per ten lots in each mobile home park. Such area shall be in addition to land in streets, and shall, when necessary, be screened from hazards and nuisances.

8. Responsibilities of Mobile Home Park Management:

The management of mobile home parks shall be responsible for operating their respective parks in accordance with all Town codes and ordinances and all State laws and regulations. The maintenance of all open space areas, facilities, roads and utilities in a park shall be the responsibility of the park management. The licensee shall also be responsible for proper placement of mobile homes, stability and installation and hook-up of all utilities and skirting. The licensee shall plow all roads and driveways within the mobile home park and maintain them in safe condition.

D. Manufactured Housing.

1. Purpose

The purpose of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30 MRSA Section 4965, "Regulation of Manufactured Housing", to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single – wide modular) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

1. Permit Requirements

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within 7 days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

2. Prohibitions

No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Section 4.D.5, except in a mobile home park.

3. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Section 4.D.5, which were lawfully established prior to the effective date of this Ordinance, shall be maintained, repaired, improved, and expanded. No non-conforming structure may be moved to another lot or parcel in the Town of Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

4. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least 14 feet in width, shall contain at least 750 feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

E. (Automobile Graveyards, Junkyards, Used Car lots

March 11, 2005 Passed to change ~~Board of Appeals~~ to Planning Board.)

Automobile graveyards, junkyards and used car lots are permitted in this district after issuance of a conditional use permit by the Planning Board. The Planning Board must conduct a public hearing on each such request and must assure compliance with the Limerick Zoning Ordinance, 30-A, M.R.S.A. section 3751-3757, 3758A and 3760, any applicable State of Maine Rules, and the following conditions:

1. No structure (buildings or equipment) shall be located within 50 feet of any property line, public way or within 200 feet of any dwelling not on the premises.
2. The issue of burning torches for repair or dismantling of vehicles shall be confined to noncombustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A screen of planting not less than 15 feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right of ways. Such vegetative screen shall have a mature height of not less than 15 feet. The Planning Board may require planting of evergreen species. The Planning Board may require construction of an 8' high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of such facility shall apply for renewal of his conditional use permit every two years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

F. Parking

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business.

(Town Meeting-March 9, 1990)

(Shall the following ordinance be enacted to regulate parking on Main Street..)

PASSED

The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

- 1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.**
- 2. Parking by any motor vehicle weighing more than $\frac{3}{4}$ tons in the same spot for more than thirty minutes is prohibited.**
- 3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.**
- 4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.**

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

(March 12, 2004 Passed add to Article VI Performance Standards:)

G. Mobile Classrooms Regulations

- a. Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:**
 - i. A restroom**
 - ii. Drinking water**
 - iii. A temperature controlled environment**
- b. All Classrooms must be equipped with**
 - An Emergency fire warning system**
 - Fire extinguishers**
 - Communication system that operates in conjunction with the main building.**
- c. All mobile classrooms must be enclosed within the school area by a fence.**
- d. All mobile classrooms must be placed on a concrete slab**

ARTICLE VII – CONDITIONAL USES

- A. A conditional use permit is designed for those uses, which may be permitted as a service to the community or for the benefit of the town’s general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.**
- B. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:**
 - 1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;**
 - 2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;**
 - 3. Will not have a significant adverse effect on adjacent or nearby property values;**
 - 4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;**
 - 5. Will not result in significant fire danger;**
 - 6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;**
 - 7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;**
 - 8. Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, will not damage the value and diminish the usability of adjacent properties;**
 - 9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;**
 - 10. Makes provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and unto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;**
 - 11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;**
 - 12. Makes adequate provision to control erosion or sedimentation;**
 - 13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;**
 - 14. Provides for a water supply which will meet the demands of the proposed use;**
 - 15. Makes adequate provision for the transportation, storage and disposal of hazardous substances and materials as defined by State law;**
 - 16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat, which could be avoided by reasonable modification of the plan.**
- C. A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.**
- D. All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.**

(Passed March 12, 1999 to amend Article VII, Section E as printed below.)

- E. Upon consideration of the standard in section 7.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Board of Appeals shall be cause for revocation of the Conditional Use Permit after a public hearing on the noncompliance. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to specifications for: type of vegetation, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens, period of operation; operation controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction or any other conditions necessary to satisfy the standards in section 7.B.**

(March 11, 1994 – Article 3. Shall the Town adopt the proposed sludge ordinance, drafted by the Planning Board and written below: Carried 270-176)

March 11, 1994. Under E. of Conditional Use section of current Zoning Ordinance

SLUDGE ORDINANCE FOR TOWN OF LIMERICK

I. APPLICATION PROCEDURE:

- A. Application must be filed with Planning Board 90 days before the first delivery date – application shall include a completed “Application for Sludge Utilization” prepared for the Department of Environmental Protection.**
- B. Fee of \$500.00.**
- C. Map of the proposed site**
- D. Results of baseline testing from wells and soils tests located adjacent to the spreading site**
- E. Description of management techniques to protect ground and surface waters**
- F. By descriptive letter and/or other proof of insurance, evidence of the applicant’s complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than \$3,000,000.00 covering liability to the Town of Limerick.**
- G. The Board, after initial review of the application, may require other such information as it is deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydro geologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or which the Planning Board believes was not adequately addressed by the applicant. Well –substantiated public comment may give cause for the Board to require additional baseline testing or other information.**

II. REVIEW PROCEDURE

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of

the baseline water tests recommended for wells within 500' of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutter's and property owners within 1000 feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant's State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town's permit.

Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within 30 days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant with conditions, or deny the permit within 60 days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within 45 days of receiving the completed application in order to solicit public input.

Within 7 days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five years from the date of issuance and shall be subject to annual review by the Board. Each November the Code Enforcement Officer shall make a report to the Board on the status of each permit. The Board shall then assure that the conditions of the permit were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

III. MONITORING AND ENFORCEMENT

- A. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this ordinance shall be carried out by the Selectmen of the Town of Limerick.**
- B. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document # 40 CFR Part 503 regulation approved by the EPA 11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.**

Minimum testing shall be as follows:

- 1. Within 72 hr. of delivery to the site prior to any spreading**
- 2. 60 and 120 days after spreading (for loading only)**
- 3. prior to any additional material being spread**

- C. The cost of all testing will be paid by the license holder.
- D. The Town of Limerick will only accept Sludge that has been processed by “in vessel composting” which means that the sludge is maintained in a heating vessel at 55 degrees or higher for ten days or longer.

IV. TESTING OF WATER WELLS

- A. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:
 - 1. before spreading baseline
 - 2. yearly, while license remains in effect
 - 3. once after license ends as a closing baseline
- B. all cost of testing will be paid by the license holder

V. COVENANT ON DEED OF LANDHOLDER

- A. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.

VI. FIELD STACKING the term “field stacking” is defined as the stacking of materials for no longer than 72urs before spreading. In the case of inappropriate spreading conditions or lack of test results, an extension may be granted.

- 2. Conditions for field stacking materials:
 - 1.) Materials to be field stacked shall be placed on and covered with waterproof material to prevent leaching into the soil and becoming airborne.
 - 2.) Each load of material shall be kept separate from the other for testing.

VII. OVERSEEING OF SPREADING

- A. 48 hours notice will be given to the CEO of the Town.
- B. At the CEO-s discretion a time shall be given to the licensee to spread.
The spreading will be overseen by the CEO or his appointed alternate.

DEFINITIONS

IN VESSEL COMPOSTING: The term “in vessel composting” refers to sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.

SLUDGE: The term “sludge” refers to the solid, semisolid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term “residual” alone is used. The term “sludge” does not include (not does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.

ARTICLE VIII-NONCONFORMING USES

- A. Any nonconforming use other than uses specified in B and C below may continue in their present use except that any nonconforming use or building may not be:
1. Changed to another nonconforming use.
 2. Re-established after discontinuance for one year except to a use conforming to the District in which it is located.
 3. Extended.
 4. ~~Rebuilt after damage exceeding 50 percent of its value.~~
- B. No junk yard may continue as a nonconforming use for more than one year after the effective date of this Ordinance, except that a junk yard may continue as a nonconforming use in a Commercial District or Industrial District if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight feet high in any case, as to screen completely the operations of the junk yard. Plans of such building or fence shall be approved by the Board of Selectmen before it is erected.
- C. No outdoor advertising structure may continue as a nonconforming use for more than two years after the effective date of this Ordinance unless it is deigned to direct attention to a business or profession conducted on the premises.
- D. "In case of an existing non-conforming use, the structure may be rebuilt within the limits of the existing footprint and design."

(March 9,1996-Passed to strike sentence 4 and insert section D.)

ARTICLE IX – ENFORCEMENT

(March 10, 2000/ Passed to replace Board of Selectmen to Code Enforcement Officer. (Section A) Also Passed / to authorize the Selectmen to appoint a Code Enforcement Officer trained and certified in accordance with Title 30, M.R.S.A., section 4451 to serve for a fixed term of one year , pursuant to Title 30A M.R.S.A., Section 2601-A.)

- A. It shall be the duty of the Code Enforcement Officer, and the CEO is hereby given power and authority to enforcement the provisions of this Ordinance.
- B. There shall be an inspector of Buildings who shall administer the provisions of the Ordinance.
- C. The Building Inspector shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.
- D. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the bulk of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.
- E. No permit shall be required for remodeling or repairing where the total cost of such work, including material, will not exceed \$1,000 and the purpose for which the building is to be used is not changed.
- F. No permit, however, shall be issued unless the proposed structure will present a reasonable appearance and will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood where they are to be located and which may have a detrimental effect on the property values and neighborhood good character. When an objection on the

account of the appearance of a proposed structure, as above dictated, is raised by a majority of the families residing or owning property within a radius of 500 feet of the property in question, the Board of Adjustment shall hold a public hearing to receive the evidence on both sides and shall have the authority to decide whether the permit shall be issued or not.

- G. Upon any well founded information that this Ordinance is being violated the selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.
- ~~H. Once application for building permit is approved, work shall be started within one year or the building permit shall become void.~~

(March 9,1996-Passed to add H to the Zoning Ordinance Article IX.) (“1999” BOCA CODE Book says Six-Months shall become void.)PASSED MARCH 9, 2001 TO ACCEPT THE 1999 EDITION OF THE BOCA NATIONAL BUILDING CODE ,WITH FOLLOWING ADDITIONS TO AND DELETIONS FROM BOCA NATIONAL BUILDING CODE....

ARTICLE X – BOARD OF APPEALS

Within thirty days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen, shall make appointments to a Board of Appeals of three members and one associate member conforming in duties to the provisions of Section 61, Chapter 90-A of the Revised Statutes of Maine 1954 as amended. Thereafter as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership on the Board of Appeals. The Board of Appeals shall conform in membership and term of office to the provisions of Section 61-111, Chapter 90-A, Revised Statutes of Maine 1954 as amended. In addition to the general powers granted said Board by said Chapter 90-A, it may, in harmony with and subject to its provisions;

- A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.
- B. Waive the Residential District frontage requirement where there are unusual conditions of street curvature. In such cases, however, the average width of the lot shall be equal to or greater than the frontage requirements.
- C. Waive the 35,000 square feet lot area requirement on lots served by either a public water system or a public sewage disposal system, where after a thorough investigation of soil and drainage conditions the Board finds that such an exception would not be detrimental in any way to the future health of the neighborhood. The Board of Appeals may waive the 100-foot frontage requirement on waterways for Seasonal Residence where the lot has at least 15,000 square feet of total area.

To enlarge the powers of the Appeals Board and to authorize the Board to waive the 100-foot frontage requirement along highways and roadways for Seasonal Residences where unusual curvature of the roads exist, when the lot has at least 15,000 square feet of total area.

NOTE: As of January 1, 1970, 20,000 square feet is required by State Law.

- D. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.**
- E. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.**
- F. Permit more than two (2) dwelling units in an existing dwelling as provided in Article VI, Section A.**
- G. Permit housing for the elderly and other new multi-family dwellings as provided in Article VI, Section A.**
- H. To enlarge the Authority of the Board of Appeal and to authorize the Board to hear appeals of the Limerick Growth Ordinance enacted March 8, 2003.
(March 8, 2003 Passed to add section H to Article X.)**

ARTICLE XI – AMENDMENTS

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting, and when such amendment has received a public hearing, which hearing has been advertised and given a legal ten day notice.

ARTICLE XII – PENALTY

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than twenty-five dollars upon conviction for each day such violation may exist.

ARTICLE XIII – SAVING CLAUSE

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

ARTICLE XIV – EFFECTIVE DATE

This Ordinance shall take effect upon passage.

Passed as written/ March 9, 2001 to accept the 1999 edition of the BOCA National Building Code as follows:

March 9,2001: Shall the town vote to accept the 1999 edition of the BOCA National Building Code as follows:

LIMERICK BUILDING ORDINANCE

BOCA National Building Code Adopted

The 1999 Edition of the BOCA National Building Code as recommended and published by the Building Officials & Code Administrators International, Inc., is adopted by this reference and made part of this ordinance with the same force and effect as though set out in full herein, as the Official Building Code of the Town of Limerick, subject to the additions and deletions set forth in this article.

Copies on File With Clerk

Pursuant to Title 30-A, M.R.S.A. Section 3003 at least three (3) copies of the BOCA National Code as adopted by reference above, have been and shall be on file in the office of the Town Clerk for public inspection and use.

Additions to and Deletions from BOCA National Building Code

Additions:

The following are hereby added to the BOCA National Building Code adopted by reference as the Building Code of the Town of Limerick.

- **Section 101.1 by inserting “the Town of Limerick”.**
- **Section 3408.2 by inserting 1987**
- **Section 107.6.1 by replacing that portion that reads “private sewage disposal code listed in Chapter 35 shall be submitted with the site plan with “State of Maine Department of Human Services shall be submitted with the site plan on Form HHE-200.”**
- **Section 112.3.1 by inserting “Fees shall be set by the Selectmen from time to time.”**
- **Section 117.2 by replacing “of not less than (amount) or not more than (amount)” with “in an amount authorized by 30-A M.R.S.A 4452”.**

Deletions:

The Following sections or portions thereof are hereby deleted from BOCA National Building Code adopted by reference as the Building Code of the Town of Limerick.

- **Sections 104.1 through and including 104.7**
- **Section 105.6**
- **Section 107.1, item 6 only**
- **Section 107.9**
- **Section 108.9**

- **Section 112.5**
- **Sections 116.3 through and including 116.4**
- **Section 118.4**
- **Section 119.5**
- **Sections 121.0 through and including 121.7**
- **Section 1014.0 Stairways (See 1993 BOCA Section below)**
- **Sections 1101.0 through and including 1110.4**
- **Sections 130.1 through and including 1308.1**
- **Sections 2901.0 through and including 2908.3.3**
- **Sections 3201.0 through and including 3205.4**
- **Chapter 35 Referenced Standards-Standard reference number**
- **BNPC-1993 BOCA National Plumbing Code**
- **Chapter 35 Reference Standards-Standard reference number BNPSDC-1993 BOCA National Private Sewage Disposal Code**

1993 BOCA

Section 1014.0 Stairways in the 1993 BOCA Code is adopted as the standard for stairways in the Town of Limerick.

Enforcement:

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.