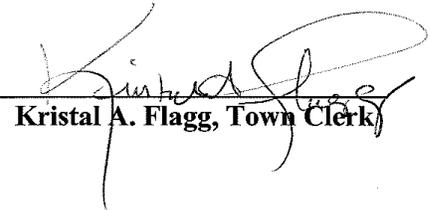


MOOSEHILL POND WATERSHED PROTECTION ORDINANCE

**A True Copy Attest of "An Ordinance Titled Moosehill Pond
Watershed Protection Ordinance" voted on and approved at annual
Town Election held June 14th, 2011.**



Kristal A. Flagg, Town Clerk

Moose Hill Pond Watershed Protection Ordinance

I. Authority

The Moose Hill Pond Watershed Protection Ordinance is created pursuant to Title 30-A MRSA §4352 (Zoning ordinances).

II. Purpose

The purpose of this Ordinance is to prevent contamination of Moose Hill Pond (Pond), a public drinking water supply located on the Town of Livermore Falls (Town), Maine, by preventing contamination of the surface water and ground water that feed the Pond.

III Definitions

A. Agricultural use: any activity that includes 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 green house products. Agriculture does not include forest management and timber harvesting activities.

B. Commercial use: the use of lands, building or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units. Commercial use does not include activities covered by the agricultural use section above.

C. Home occupation: an occupation or profession which is customarily conducted on or in a residential structure or property and which:

- i. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
- ii. Employs no more than two persons other than family members residing in the home; and
- iii. Impacts surface water and ground water no more than a residential land use customarily would.

D. Industrial use: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods.

E. Residual: material from an industrial source which is agronomically used by land-applying it in order to increase the nutrient content of soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil; otherwise improve agricultural soil conditions; or provide some other horticultural benefit.

IV. Applicability

The provisions in the Ordinance apply to:

- 1.) All proposed industrial and/or commercial land uses in the Moose Hill Pond watershed; and
- 2.) All agricultural operations in the Moose Hill Pond watershed.

This Ordinance does not apply to essential operations of the Livermore Falls Water District (Water District) and emergency and enforcement operations conducted by official federal, state or local entities.

V. Administration and Enforcement

The Livermore Falls Code Enforcement Officer (CEO) shall enforce the provisions of this Ordinance. The Town of Livermore Falls Planning Board (PB) shall review and act upon permit applications as designated under this ordinance.

VI. Delineation

The Moose Hill Pond watershed is the land area draining to Moose Hill Pond. The Moose Hill Pond Watershed Protection Zone (MWP Zone) is defined as the Moose Hill Pond watershed, and is delineated on a map entitled “Moose Hill Pond Watershed Protection (MXP) Zone, Livermore Falls, Maine.” This map is kept on file with this Ordinance at the Town Office.

VII. Provisions

A. General: Per Public Law 761, the Town shall send copies of plans for all projects requiring a permit within the MWP Zone to the Water District for review.

B. Agricultural Land Uses:

1. Over-wintering of uncovered residuals in the MWP Zone is prohibited. Use of residuals must comply with applicable State and local regulations.
2. Per Maine Department of Agriculture Manure Utilization Guidelines, no manure field stacking sites shall be located within 500 feet of the Pond.
3. As of the effective date of this ordinance, no new manure storage facilities shall be located within 500 feet of the Pond.

C. Commercial and Industrial Land Uses

An application and \$50 application fee must be filed with the CEO for any proposed commercial or industrial land use in the MWP Zone. A copy of the application shall be given by the CEO to the PB and the Water District for review. The PB may require an applicant to submit a hydrogeological study. The study must be prepared by a licensed geotechnical engineer or geologist with proven experience in hydrogeology. The PB may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant. A permit for a commercial or industrial land use required under this section may be denied by the PB if the operation is determined by the PB to pose an unnecessary risk to the quality of surface water and/or ground water in the MWP Zone. The PB agrees to permit commercial and industrial land uses in the MWP Zone only with the consent of the Water District.

VIII. Relationship with Other Laws and Regulations

In any case in which a provision of this Ordinance conflicts with a provision of any other State or local law or regulation, the provision which establishes the more restrictive provision shall apply.

IX. Validity and Severability

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

X. Effective Date

The effective date of this ordinance is July 1, 2011

Moose Hill Pond



Legend

-  Municipal Boundary
-  Direct Watershed
-  250' Shoreland Zone

Notes:
Basemap 2ft Orthos from MEGS, 1:24,000
NAD 83, UTM 19N
Locations approximate, not to be used for transfer.
Map created by Maine Rural Water Association, Richmond, ME
January 2011



