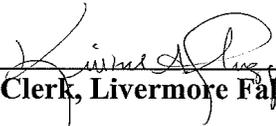


**OCCUPANCY NOTIFICATION ORDINANCE
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Occupancy
Notification Ordinance for the Town of Livermore Falls" as
certified to me by the Municipal Officers of the Town of
Livermore Falls on the 3rd day of June, 1991.**



Town Clerk, Livermore Falls

OCCUPANCY NOTIFICATION ORDINANCE TOWN OF LIVERMORE FALLS

Section I. Title

This ordinance shall be known and cited as the "Occupancy Notification Ordinance of the Town of Livermore Falls, Maine."

Section II. Purpose

To protect the health, safety, and general welfare of the people; to protect the environment; and provide for the orderly development of the land in the Town of Livermore Falls.

Section III. Applicability

This ordinance applies to all new structures constructed or placed within the Town of Livermore Falls subsequent to the effective date of the ordinance. All existing structures shall be brought into compliance with the ordinance within one year from effective date.

Section IV. Application Procedure

A. After the effective date of this ordinance, no person shall engage in any use of land requiring a permit or expand or change an existing nonconforming use, or renew a discontinued nonconforming use without first obtaining the required permit. All applications for occupancy notification shall be submitted in writing to the Town Office on forms provided for that purpose. A scale drawing of the proposed building, reconstruction, relocation or demolition shall accompany each application identifying the lot by tax map and lot number and giving all dimensions, including setbacks. An approved plumbing permit shall accompany a occupancy notification application. A permit must be applied for and approved before any of the following actions are initiated:

1. Any construction, demolition or relocation (this is not intended to include changes which are strictly maintenance or repair).

2. Any enlargement or replacement of a septic or holding tank or other sewage disposal system, or the installation of a septic or holding tank and other sewage disposal system including a privy.

The Code Enforcement Office shall issue occupancy permits in conformance with this ordinance, except that the Planning Board shall consider those that lie within the Shoreland Zone as indicated by the Town's Shoreland Zoning Map and those areas in the floodplain as shown by Flood Insurance Rating Maps.

Section V. Performance Standards and Requirements

All new dwellings, including recreational trailers, being used as dwellings shall conform to the following site requirements:

A. Shall conform to the Minimum Lot Size Ordinance and Sewer Ordinance of the Town of Livermore Falls.

B. Sanitary standards: All new dwellings, including recreational trailers being used as dwelling, shall have:

1. Satisfactory storage for refuse and garbage.
2. An approved sewage waste disposal system. If an approved privy is to be used, an approved system for disposing of gray water is required. A plumbing permit shall be required.
3. An adequate water supply shall be on site before a permit is issued.
4. All domestic water supplies currently in use or being constructed for domestic drinking purposes shall be located at least 100 ft. away from all private sewage disposal systems.

Section VI. Action on Application

A. Applications shall be acted upon within 10 days after the completed application is received, except that applications requiring Planning Board approval shall be acted upon within 30 days. If no action is taken within said time periods, the application shall be deemed denied.

Section VII. Authority and Administration

A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 2151-A (Home Rule).

2. This ordinance is enacted in accordance with Title 30-A, MRSA Section 2153, "Enactment Procedure" (Enactment of Ordinance) and Section 4452, "Enforcement of Land Use Laws and Ordinances".

3. The Code Enforcement Officer shall be charged with responsibility of enforcing this ordinance.

B. Administration

1. This ordinance shall be administered for the Town of Livermore Falls by the Planning Board hereafter referred to as the "Board".

2. The provisions of this ordinance shall apply to all of the land areas within the Town of Livermore Falls.

Section VII. Enforcement

A. Any person, firm or corporation, being the owner or being in control of any construction, demolition, or relocation (including plumbing) who violates any provision of this ordinance shall be liable for the penalties set forth in Title 30-A MRSA 4452, as it may from time to time be amended. The attorney general, the municipality or the appropriate municipal officers may institute proceedings to enjoin any violation of this ordinance and for other penalties. The Town's legal fees and expenses shall be paid by the party found guilty of violating this ordinance.

B. Any construction, demolition or relocation (including plumbing) undertaken without a required permit shall be penalized as follows:

1. An application for a permit after-the-fact must be made.

2. The applicant shall pay a fine of not less than \$100 or more than \$2,500 in addition to any other costs incurred.

3. Any activity which is non-conforming, or in any way in violation of the terms of this ordinance, of which, when completed would be in violation, shall immediately upon notice from the Code Enforcement Officer, be halted and, if so directed by the Code Enforcement Officer, the site shall be returned to its original condition.

Section IX. Appeals

A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore Falls.

B. The Board of Appeals for the Town of Livermore Falls shall function in accordance with Title 30-A MRSA, Section 2411.

Section X. Amendments

A. This ordinance may be amended by majority vote at a town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen, or by petition of a number of voters equal to 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

Section XI. Validity, Effective Date, Conflict of Ordinance

A. 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 these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

B. The effective date of this ordinance shall be upon adoption by the governing body of the Town of Livermore Falls.

C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law,

permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.

Section XII. Definitions

A. Accessory use or structure: a use or structure of a nature customarily incidental or subordinate to that of the principal use or structure.

B. Dwelling: a structure all or part of which is designed for use as a living quarters. Factory built homes, mobile homes, modular homes, recreational trailers and site-built dwelling shall be considered dwellings.

C. Lot: a parcel described on the deed, plot or similar legal document.

D. Mobile Home: a vehicular, portable structure built on chassis, and design to be transported after fabrication on its own wheels and to be used as a dwelling with or without a permanent foundation.

E. Modular home: A dwelling composed of one or more prefabricated sections designed for location and a permanent foundation.

F. New dwelling: any dwelling which is placed, constructed or substantially reconstructed within the town, or first occupied, after the effective date of this ordinance.

G. Principal structure: the structure in which the principal use of the lot is located.

H. Site-built dwelling: A dwelling which is constructed on the site on which it is to be located.

I. Structure: anything constructed or erected of more than one member.

J. Vehicle/Trailer/Recreational: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not designed to be a permanent dwelling and which may include a pickup camper, travel trailer, tent trailer and motor home. This definition

includes a converted bus, van or other vehicle. A recreational trailer is considered a dwelling.

K. Trailer, utility: vehicle without motive power, designed to be towed by a passenger automobile or pickup but not designed for human occupancy and which may include a boat trailer, horse trailer, snowmobile trailer, etc. A utility trailer is not considered a dwelling and shall not be used as such.

L. Adequate water supply: running water pipes thereto in an approved manner so as to keep the dwelling in a clean and sanitary condition, year round.

Adopted June 3, 1991