

Sec. 13-710 Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards.

The following standards are applicable to all land use activity and development within the City.

1. Access Management.

A. General.

1. These standards shall apply to vehicular access into and out of a proposed development. In a residential subdivision these accesses may be roads within the subdivision or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Road Design and Construction Standards contained within this Ordinance shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. Accessways to non-residential developments or to multi-family developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane or traffic control device shall be done, if necessary.

- B. Sight Distances.** Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curblineline or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

Sight Distances*

Design Speed (MPH)	Minimum** (feet)	Desired*** (feet)
25	175	250
30	210	300
35	245	350
40	280	400
45	315	450

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.

** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3 percent downgrade, as documented by AASHTO, 1990.

*** Ten times the design speed.

- C. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
- D. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the *Trip Generation Manual*, latest edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: Less than 50 vehicle trips per day.
2. Medium Volume Access: 50 or more vehicle trips per day.

1. Low Volume Accesses.

- a. Skew Angle. Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- b. Curb Radius. The curb radius shall be between 10' and 25' (5-10'), with a preferred radius of 20' (10').
- c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 40' and 54' (22-46'), with a preferred width of 40' (36').
- d. Access Width. The width of the access shall be between 20' and 24' (12-16'), with a preferred width of 20 (16') feet.

2. Medium Volume Accesses.

- a. Skew Angle. Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- b. Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30' for right turns into and out of the development, with a 5' radius on the opposite curb. On a two-way access the curb radii shall be between 25 and 40', with a preferred radius of 30'.
- c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 and 110' with a preferred width of 86'. On a one-way access the curb-cut width shall be between 46 and 70', with a preferred width of 51'.
- d. Access Width. On a two-way access the width shall be between 24 and 30', with a preferred width of 26', however where truck traffic is anticipated, the width may be no more than 30'. On a one-way access the width shall be between 16 and 20', with a preferred width of 20'.

Design Standards
Preferred Dimension in ()

	Skew Angle	Curb Radii	Curb-Cut Width	Access Width
Low Volume Access:				
Roadway:	90 degrees	10-25' (20')	40-54' (40')	20-24' (20')
Driveway:	90 degrees	5-10' (10')	22-46' (36')	12-16' (16')
Medium Volume Access: (roadway and driveway are same)				
Two-Way Access:	90 degrees	25-40' (30')	74-110' (86')	24-26' (26') ¹
One-Way Access:	90 degrees	30' for right turns 5' on the opposite	46-70' (51')	16-20' (18')

¹ Where truck traffic is anticipated the width should be no more than 30 feet.

E. Access Location and Spacing.

1. **Minimum Corner Clearance.** Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

Minimum Standards for Corner Clearance

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. **Access Spacing.** Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

Minimum Access Spacing

Access Type	Minimum Spacing to Property Line (Dpl) ¹ (feet)	Minimum Spacing to Adjacent Access by Access Type ² (Dsp) ³	
		Low (feet)	Medium (feet)
Low Volume	5	*	75
Medium Volume	10	-	100

1 Dpl measured from point of tangency of driveway to projection of property line on road-way edge.

2 For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.

3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.

* Low volume driveways are not permitted in combination with other driveway types on a single lot.

3. **Shared Driveways.** No part of any driveway shall be located within a minimum of five (5) feet of a side property line. However the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on/or within five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.
4. **Acceleration Lanes.** Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an ADT volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) feet curb return radius shall be used from the driveway to the acceleration lane.
5. **Deceleration Lanes.** Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway.

F. Number of Accesses.

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
2. No medium volume traffic generator shall have more than two two-way accesses onto a single roadway.

G. Construction and Materials/Paving.

1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
2. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way. The remainder of the driveway should be constructed to the following specifications (MDOT Standard Specifications, §703.06):
 - a. graded to a crown of no less than .5":12"; and
 - b. constructed of 12" Type D subbase gravel and 3" Type A base gravel.
3. Dust control shall be approved by the CEO prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.

4. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the CEO.

2. Off-Street Parking and Loading.

A. General.

1. A permitted use in any District shall not be extended, and no structure shall be constructed or enlarged, unless off-street vehicle parking is provided in accordance with the standards of this subsection.
2. All parking spaces shall be a minimum of 9 feet x 19 feet.
3. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
4. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. Except, required off-street parking may be provided on a lot under the same ownership as the owner requiring the additional off-street parking. Such parking scheme shall be approved by the Board of Appeals. The additional parking must be within 300' measured along the roadway right-of-way. Evidence of ownership shall be required.
5. The joint use of a parking area by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking area would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
6. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

B. Additional Requirements for Non-Residential Development.

1. Access points from a public road to non-residential development shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.
2. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
3. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.
4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any municipal way.
5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:
 - a. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001	to	20,000 SF	1 bay
20,001	to	50,000 SF	2 bays
50,001	to	100,000 SF	3 bays
100,001	to	150,000 SF	4 bays
150,001	to	300,000 SF	5 bays

- b. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks shall be located to face any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.
6. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

C. Parking Lot Design Criteria. (Except for single-family and two-family development)

1. Vehicular Entrance and Exit.

- a. Entrances/exits should be clearly identified by use of signs, curb cuts, and landscaping.
- b. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.

2. Interior Vehicular Circulation.

- a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
- b. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
- c. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- e. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
- f. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
- g. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
- h. The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle and Aisle Width

Parking Angle (degrees)	Aisle Width (feet)
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	25

- i. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Business and Industrial Districts, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
- j. Parking areas in the Shoreland Areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
- k. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.
- l. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.
- m. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

D. Required Parking Spaces.

1. Parking spaces shall be provided to conform with the number required in the following schedule:

<u>Activity</u>	<u>Minimum Required Parking</u>
Residential Dwelling	1 space per dwelling unit.
Elderly Housing	1 space per dwelling unit.
Tourist home, Boarding House, Lodging Motel, Hotel, Inn	1 space per room/unit rental and for each employee on House, on the largest shift.
Church	1 space per three seats based upon max. seating capacity.
Schools	
Primary	1.5 spaces per classroom.
Secondary	8 spaces per classroom.
Post-Secondary	1 space for each student and 1 space for each faculty and staff member.
Child Care Facility	1 space for every 4 children facility is licensed to care for.
Private Clubs or Lodges	1 space per every seventy-five (75) square feet of floor space.
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity.
Funeral Homes	1 space for every 100 square feet of floor space.
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every 150 square feet of floor space.
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner.
Veterinarian Clinic, Kennel	5 spaces/veterinarian.
Retail and Service Businesses	1 space for every 150 sq. ft. of floor space.
Barber/Beauty Shop	4 spaces/chair.
Restaurant	1 space per three seats based upon max. seating capacity.
Industrial Businesses	1 space/employee on the maximum working shift.
Warehouse, Wholesale	1 space/500 sq. ft. floor area business.
Flea Market	3 spaces/table.
Mixed Use	Total of individual uses.
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work.
Library, Museum, Art Gallery	1 space for each 150 sq. ft. of floor space.
Commercial Recreation Facility, Fitness Area	1 space for each 100 sq. ft. of floor area.
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed on the lot.

Notes

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

3. Road Design and Construction Standards.

The following Road Design and Construction Standards shall apply to all new road construction, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with roads within the City, unless the applicant can provide clear and convincing evidence that an alternate design or construction standard will meet good engineering practice.

A. General Requirements.

1. The Planning Board shall not approve any development proposal unless proposed roads are designed in accordance with the specifications contained herein. Approval of the Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the City of Caribou of any road or easement.
2. Applicants shall submit to the Planning Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet (1"=50'). The vertical scale of the profile shall be one inch equals no more than five feet (1"=5'). The plans shall include the following information:
 - a. Date, scale, and North point, indicating, magnetic or true.
 - b. Intersections of the proposed road with existing roads.
 - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - d. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - e. Complete curve data shall be indicated for all horizontal and vertical curves.
 - f. Turning radii at all intersections.
 - g. Centerline gradients.
 - h. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to electricity, telephone, lighting, and cable television.
3. Upon receipt of plans for a proposed public road the Planning Board shall forward one copy to the Chair of the City Council and the Highway Department Foreman for review and comment. Plans for roads which are not proposed to be accepted by the City shall be sent to the Highway Department Foreman for review and comment.
4. Where the applicant proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the Highway Department Foreman and/or the Maine Department of Transportation, as appropriate.
5. Where the development roads are to remain private roads, the following words shall appear on the Final Plan.

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the City of Caribou, until they meet the Caribou Road Design and Construction Standards."

B. Road Design Standards.

1. Where topographic and other site conditions allow, provision shall be made for road connections to adjoining lots of similar existing or potential use within areas of the City designated as growth areas in the comprehensive plan; or in non-residential development when such access shall:
 - a. Facilitate fire protection services as approved by the Fire Chief; or
 - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public road.
2. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads), or when the development indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Plan shall indicate reserved areas for widening or realigning the road marked "*Reserved for Road Realignment (Widening) Purposes.*" When such widening or realignment is included in the City's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the City or state.

3. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the City, and shall be subject to the approval of the Planning Board. No road name shall be the common given name of a person. The developer shall reimburse the City for the costs of installing road name, traffic safety, and control signs.
4. Proposed roads shall conform, as far as practicable, to such master or study plan as may have been adopted, in whole or in part, by the Planning Board prior to the submission of a Preliminary Plan.
5. All roads in the development shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic. Where a development abuts or contains an existing or arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
6. Where a development borders on or contains a railroad right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential Districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
7. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the City.
8. The centerline of the roadway shall be the centerline of the right-of-way.
9. In addition to the design and construction standards herein, dead-end roads shall not be longer than 1000' and shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line:	60 feet (125')
Outer edge of pavement:	50 feet (100')
Inner edge of pavement:	30 feet (30')

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a fifty (50) foot easement in line with the road to provide continuation of the road where future development is possible.

1. The following road design and construction standards shall apply according to road classification:

Historical Note: Section 13-710, §2D as amended March 26, 2007.

Caribou Road Design and Construction Standards.

	Collector	Residential Local	Private
a. Minimum width of ROW	50'	50'	50'
b. Minimum paved width	24'	20'	18'
c. Minimum shoulder width (each side)	4'	4'	3'
d. Curbing (if required)	vertical	vertical	none
e. Curb reveal	7"	7"	-
f. Minimum roadway grade	0.5%	0.5%	0.5%
g. Maximum roadway grade	6.0%	8.0%	8.0%
h. Maximum shoulder grade	-	5.0%	-
i. Drainage ditch angle ratio: (maximum)			
Shoulder to ditch bottom	3:1	3:1	3:1
Ditch bottom to row	2:1	2:1	2:1
j. Minimum distance ditch bottom to subbase bottom	12"	12"	12"
k. Maximum grade intersections	3% within 75 feet of the intersection		
l. Minimum angle intersections (degrees)	90	75	75
m. Minimum center line radii on curves	280'	280'	175'
n. Minimum tangent length between reverse curves	200'	100'	100'
o. Minimum sidewalk; width	5'	5'	-
Bituminous surface	2"	2"	2"
Crushed base course	2"	2"	2"
Gravel subbase course	12"	12"	12"
Portland cement concrete			
Reinforced with 6" square #10-wire mesh	4"	4"	4"
Sand base if cement used	6"	6"	6"
(See text for other types of sidewalks)			
p. Minimum road base: (after compaction)			
Aggregate subbase (max. size stone 4")	24"	24"	24"
Crushed aggregate base (max. size stone 2")	6"	6"	6"
q. Hot bituminous pavement:			
Surface course	1.25"	1.25"	1.25"
Base course	1.75"	1.75"	1.75"
r. Minimum road crown	0.25":1'	0.25":1'	0.50":1'
s. Property line radii (intersections)	10'	10'	10'
t. Curb radii intersections	30'	20'	-
u. Minimum distances between intersections:			
Same side	400'	300'	300'
Opposite sides	250'	200'	200'

C. Road Construction Standards.

1. During construction, the development shall be maintained and left each day in a safe and sanitary manner. The roads shall be regularly sprayed to control dust from construction activity. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
2. Curbs shall be installed within all developments at the discretion of the Planning Board. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

3. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards.
4. Cross (four-cornered "+") road intersections shall be avoided insofar as possible or at other important traffic intersections. A minimum distance of 125' feet shall be maintained between centerlines of minor roads and 200' feet between collector roads or a collector and minor road.
5. The minimum thickness of material shall meet the specifications in the table below, after compaction.

Road Materials	Collector	Residential	Private
Aggregate Sub-base Course (max. sized stone 4")			
Without base gravel	24"	24"	15"
With base gravel	20"	18"	12"
Crushed Aggregate Base Course (max. sized stone 2")	6"	6"	6"
Hot Bituminous Pavement			
Total Thickness	3.00"	3.00"	N/A
Surface Course	1.25"	1.25"	N/A
Base Course	1.75"	1.75"	N/A
Surface Gravel	N/A	N/A	3"

6. Construction Preparation.

- a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
- c. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a MDOT approved stabilization geotextile may be used.
- d. Except in a ledge cut, side slopes shall be no steeper than a slope of three (3) feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four (4) feet vertical to one foot horizontal is permitted.
- e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

7. Bases and Pavement.

a. Bases/Subbase.

1. The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

2. If the aggregate subbase course is found to be not fine-gradeable because of larger stones, then a minimum crushed aggregate base course of a six (6) inches (max. sized stone 2") shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

b. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

c. Pavements.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8 percent and 6.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to paved is not frozen or unreasonably wet.
2. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8 percent and 7.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two (2) inches in size, and meet the following gradation:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

8. Guard Rails.

When and where required by either the Planning Board or the CEO, guard rails should be designed and constructed in accordance within Section 606-Guard Rails of the Maine Department of Transportation's, "*Standard Specifications, Highways and Bridges*", latest edition.

Sec. 13-720 Automobile Graveyards and Junkyards.

1. **Applicability.**

This Section shall apply to the Districts where automobile graveyards and junkyards are a permitted use. Automobile graveyards and junkyards area prohibited in the remaining Districts.

2. **Administration.**

- A. This Section shall be administered by the Planning Board and enforced by the CEO. No automobile graveyard or junkyard permit shall be issued unless the provisions of this Ordinance are complied with. The Planning Board may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this Ordinance.
- B. Permits shall be renewed annually to remain valid and expire on December 31st of each year. Once the site design is approved it does not have to be resubmitted unless there are to be changes to the site. The City Council shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this Ordinance and state law are complied with.
- C. An annual fee established by the City of \$50 shall be submitted with the permit application, plus the cost of posting and publishing the notice of public hearing required below.
- D. The City may require that an escrow account of \$500 be established by the applicant in the name of the "*City of Caribou*" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the City shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The City shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.
- E. Upon receipt of a final application, the Planning Board shall hold a public hearing in accordance with Title 30-A, MRSA, §3754.

3. Requirements for Automobile Graveyards and Junkyards.

- A. No person may establish, operate, or maintain an automobile graveyard or junkyard without first obtaining a non-transferable permit from the Planning Board. At the time of filing an application for a permit under this Ordinance, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- B. Any application for an automobile graveyard or junkyard permit shall contain the following information:
 - 1. The applicant shall submit a site design drawn to a scale not to exceed 1"=100', on which is shown:
 - a. The boundary lines of the property;
 - b. The exact location of any existing and proposed junkyard or automobile graveyard and their distances to nearby roads and property lines;
 - c. The soils as reflected from a high intensity soils survey;
 - d. The location of on-site septic system(s) and drinking water supplies;
 - e. Topographic contours at intervals of 10';
 - f. The location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist;
 - g. The location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the area where cars or junk will be placed;
 - h. The location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the property lines;
 - i. The boundaries of any 100-year floodplain; and
 - j. The location of all roads within 1000' of the site.
 - 2. The names and addresses of all abutting or impacted property owners, as determined by the Planning Board.
 - 3. The name(s) and address(es) of the person(s) or entity(ies) who will operate the site.
 - 4. The height and material used in any existing and proposed screening.

4. Performance Standards for all Automobile Graveyards and Junkyards.

The following performance standards shall be required of all automobile graveyards and junkyards:

- A. The junkyard or automobile graveyard must be screened from ordinary view from any road, as required by statute. The site of the automobile graveyard or junkyard shall have an effective visual screen no less than six (6) feet in height, and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, §3759. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit.
- B. No vehicle or junk shall be stored within 300 feet of any waterbody or inland wetland.
- C. No vehicle or junk shall be stored within 500 feet of any (residences), private well, school, church, cemetery, public playground, public beach, or public park.
- D. No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- E. No vehicles or junk shall be stored within the 100-year flood plain.
- F. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- G. There will be no disposal or release to the environment of any solid, special, or hazardous wastes;
- H. There will be no open burning of any substances;
- I. All vehicles or junk shall be located no closer than 100 feet from all property lines.
- J. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 10 PM, Mondays through Saturdays.

- K. All federal and state hazardous waste laws and regulations shall be complied with.
- L. In all instances the burden of proof shall be upon the applicant for the permit.
- M. Any automobile graveyard or junkyard in existence on the date of adoption this Ordinance, may remain in operation on the current parcel of land, providing it meets all pertinent statutory and Ordinance requirements.
- N. Any automobile graveyard or junkyard shall not expand unless all statutory and requirements of this Ordinance are met.

Sec. 13-730 Mineral Exploration and Extraction.

The following standards are applicable to all mineral exploration and extraction activity within the City.

1. Mineral Exploration.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the CEO shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

2. Mineral Extraction.

- A. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP) under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.
- B. Any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months shall require a permit from the Planning Board.

3. Submission Requirements.

The following submission requirements shall be reflected on a plan to be included with the application and apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

- A. Existing and proposed limits of the excavation, clearly delineated.
- B. Location, function, and ground areas of all structures, facilities, parking lots, and roads.
- C. Entrance and exit locations.
- D. Gates or other means of access control.
- E. Pre- and post-development topography shall use an interval of two (2) foot contours for pits of less than five (5) acres.
- F. Location of topsoil stockpile area(s).
- G. Areas where natural vegetation will be left and where plantings will be made to screen the extraction operation from view.
- H. Slopes and vegetation for protecting adjacent structures.
- I. Location of any test pits or borings and observation wells documenting the seasonal high water table.
- J. Proposed disposal method of stumps, grubblings, and other debris.
- K. Plan(s) and schedule for reclamation. A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection E, Reclamation, below.
- L. For pits of five (5) acres or more, at least one cross-section along the axis of the pit and another cross-section at a right angle to it. The cross-section diagrams should show the existing grade, the proposed final grade including the maximum depth of elevation, depth to the ground water, and the stratigraphy of the surficial deposits at the site.
- M. Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.

4. Review Criteria and Standards.

- A. The area of a working pit shall not exceed four (4) acres.

- B. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has been removed or disturbed by activities related to the operation of the extraction operation, that vegetation must be reestablished as soon as practicable. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines.
- C. A 300 foot separation shall be maintained between any area to store petroleum products and any private drinking water wells.
- D. A 200 foot separation shall be maintained between any excavation and any private drinking water supply in existence prior to that excavation.
- E. A 1000 foot separation shall be maintained between any excavation and any public drinking water supply.
- F. There shall be no storage or dumping on the pit of any substances or materials that could produce harmful leachate.
- G. No oiling of access and haul roads is permitted.
- H. Excavation shall not occur within five (5) feet of the seasonally high water table.
- I. Excavation activities shall not occur below road level within 25 feet of a road right-of-way and shall maintain a 2.5 percent slope away from the right-of-way, except that excavation activities may occur below road level within 25 feet of a private road right-of-way with the written permission of the owner.
- J. No part of any extraction operation, including drainage and run-off control features, shall be permitted within one hundred (100) feet of the normal high water line of a Great Pond, and within seventy-five (75) feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland.
- K. Erosion and sedimentation control for access roads shall be conducted according to best management practices adopted by the SCS.
- L. There may not be more than two (2) acres of stockpiles within the working pit at any time.
- M. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.
- N. The hours of operation at the site shall conform to the time between sunrise and sunset at Caribou, ME.
- O. In keeping with the purposes of this Ordinance, the Planning Board may impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

5. Reclamation.

Within twelve (12) months of the completion of extraction operations, or the expiration of a CEO permit, or which operations shall be deemed complete when less than one thousand (1000) cubic yards of materials are removed in any consecutive twelve (12) month period, the site shall be reclaimed in accordance with a plan approved by the CEO. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such plan shall include:

- A. A vegetative cover by seeding shall be established within one year of the completion of excavation. Vegetative cover shall be declared acceptable after one year if: (1) the planting of trees and shrubs results in a permanent stand or stand capable of regeneration and succession, sufficient to ensure a 75 percent survival rate; and (2) the planting of all materials results in permanent 90 percent ground coverage.
- B. All structures and facilities shall be removed and, once no longer in productive use, all access roads, haul roads, and other support roads shall be reclaimed.
- C. The final graded slope shall be two to one (2.5:1) slope or flatter.
- D. Reclamation of the pit shall not be made with any substance or material that could either have a harmful leachate or create an impermeable base.
- D. All affected lands shall be reclaimed within one (1) year.

Sec. 13-740 Mobile Homes.

1. General Requirements.

- A. All mobile home units to be relocated to within the City from outside of the City shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles or other materials approved by the CEO. These design requirements shall not be applied to prevent relocation of units within the City constructed prior to June 15, 1976 that were legally sited in the City.
- B. It shall be unlawful to locate any mobile home for any residential purpose anywhere in the City, except in an authorized mobile home park, unless a mobile home permit has been issued in conformity with this Ordinance. Any application for a mobile home permit shall be in writing and in duplicate, signed by the applicant. Such applications

shall include such information as lawfully may be required by the CEO and shall include a site plan of suitable scale showing:

1. The shape, size, and location of the lot on which the mobile home is to be placed.
 2. The make, model, year, serial number, length and width, number of bedrooms, location of kitchen and cost of mobile home.
 3. Any building already on the lot.
 4. Set back lines of buildings on adjoining lots; and
 5. Any other information needed by the Building Inspector, CEO, Planning Board, or Board of Appeals to determine whether the provisions of this Section are being observed.
- C. A mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six-months periods provided that a special permit is issued by the Planning Board for each six month period. Such permit may only be issued if the Board is satisfied that:
1. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and
 2. No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.
- D. The CEO may issue a special permit for the use of a mobile home for a temporary office for up to three (3) months in Districts where offices are permitted or at construction sites anywhere in the City.
- E. A recreational vehicle or camper shall in no case be used as a mobile home and any recreational vehicle in use as a temporary dwelling shall be stationed only in an area where permitted. An RV or travel trailer where not in use may be stored on the premises of the owner.
2. **Mobile Homes Built Before June 15, 1976, or Not Built According to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70.**

The following standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the City.

A. Exit Facilities - Exterior Door.

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Mobile homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
3. All exterior swinging doors shall provide a minimum of 32" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

B. Exit Facilities - Egress Windows and Devices.

Mobile homes shall have the following emergency egress facilities:

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
2. The bottom of the window opening shall not be more than 44" above the floor.
3. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

C. Interior Doors.

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

D. Fire Detection Equipment.

1. At least one operating smoke detector shall be installed in the home in the following locations:
 - a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and bedroom side. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
 - b. When located in hallways, the detector shall be between the return air intake and the living area.
 - c. The smoke detector shall not be placed in a location which impairs its effectiveness.
 - d. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.
 - e. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6" to 12" below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 6" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

E. Flame Spread. (from the NFPA Life Safety Code 101, fourth edition)

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or an exterior door.

F. Kitchen Cabinet Protectors.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

G. Carpeting.

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

H. Roof Loads.

All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.

I. Heating and Fuel Burning System.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

J. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical Code in affect at the time the home was constructed.

Sec. 13-745 Confined Feeding Operations.

1. All confined feeding operations must be constructed and operated in accordance with all applicable rules, laws and regulations including, but not limited to, rules adopted by the Maine Department of Agriculture, Food and Rural Resources and any other governmental entity with jurisdiction over such operations.
2. Confined feeding operations which cause unreasonable noise, odor and/or pollution of ground water or any waterbody shall not be permitted.
3. Confined feeding operations that utilize a lagoon or a waste storage pond, or both, shall meet the following setback requirements:
 - A. For a confined feeding operation with a capacity of up to 100 animal units at any one time, the minimum separation distance required between a lagoon and a waste storage pond and the boundary of any real property owned by another person is 1 mile. The minimum separation distance required between an agricultural facility and the boundary of any real property owned by another person is 1 mile.
 - B. The minimum separation distance between a lagoon and a waste storage pond and any public or private drinking water well is 1 mile.
 - C. The minimum separation distance required between a lagoon and a waste storage pond and any water body is ½ mile. The minimum separation distance required between an agricultural facility and any water body is ½ mile.
 - D. The minimum separation distance required between a ditch or swale that drains directly into any water body and any confined feeding operation is ½ mile.
4. Confined feeding operations which exceed 100 animal units of normal production animal live weight at any one time are strictly prohibited.
5. A new confined feeding operation or expansion of an established confined feeding operation may not be located in a floodplain as defined by the Flood Insurance rate maps for the City of Caribou.

6. If a lagoon or a waste storage pond, or both, breaches or fails in any way, the owner or operator of the confined feeding operation immediately shall notify the Code Enforcement Officer.
7. A person may not cause, allow or permit emission into the ambient air any substance or combination of substances in quantities that create an undesirable level of odor unless preventive measures are taken to abate or control the emission to the satisfaction of the Council. When an odor problem comes to the attention of the Council through field surveillance or specific complaints, the Council shall determine if the odor is at an undesirable level by considering the character and degree of injury to or interference with:
 1. The health or welfare of the people;
 2. Plant, animal or marine life;
 3. Property; real and otherwise; and
 4. Enjoyment of life or use of affected property.
8. The City Council may require the following abatement or control practices after review and recommendation by the Caribou Planning Board.
 1. Removal or disposal of odorous materials;
 2. Methods of handling and storing odorous materials in order to minimize emissions;
 3. Prescribed standards in the maintenance of premises to reduce odorous emissions; and
 4. Use of the best available control technology to reduce odorous emissions.
9. After determining that an undesirable level of odor exists, the Council shall require remediation of the undesirable level of odor, which may require the removal of all animals and odorous materials within 30 days of receipt of notice or the revocation of a permit issued hereunder.
- 10-A. Permits for confined feeding operations are for a term of one year only and must be renewed annually. A renewal permit shall not be issued unless the confined feeding operation meets all of the standards in effect at the time of renewal. If the confined feeding operation is not in operation or production for 2 or more consecutive years, a new permit must be obtained.

10-B. POLLUTION INSURANCE

An applicant must show proof of pollution liability insurance in the amount of at least \$1,000,000.00 to protect neighboring properties in the event of ground water and/or surface water contamination caused by the confined feeding operation. A certificate of insurance shall be provided with a one year prepaid insurance policy. If the owner or operator of the confined feeding operation fails to maintain this insurance coverage, all confined feeding operations shall cease until satisfactory evidence of insurance is provided.

11. Nothing in this section prohibits an individual or group of persons from bringing a complaint against a confined feeding operation.

12. CONFINED FEEDING OPERATION TERMS

For purposes of this Ordinance, the following terms have these definitions:

1. CONFINED FEEDING OPERATION

A use whereby animals are confined and fed or maintained in an agricultural facility for a total of 120 days or

more in a 12 month period. Structures used for the storage of animal waste from animals in their use are also part of the confined feeding operation. Two or more confined feeding operations under common ownership or management are considered to be a single confined feeding operation if they are adjacent or utilize a common system for animal waste storage or reside on contiguous land under same ownership.

2. AGRICULTURAL FACILITY

A lot, building or structure that is used for the commercial production of animals in a confined feeding operation, including any land used for the spreading of animal waste.

3. LAGOON

An impoundment used in conjunction with a confined feeding operation, the primary function of which is to store or stabilize, or both, organic wastes, wastewater and contaminated runoff shall be covered per requirement of the site design review ordinance of the City of Caribou.

4. WASTE STORAGE POND

A structure used for impounding or storing manure, wastewater and contaminated runoff as a component of an agricultural waste management system. Waste is stored for a specified period of time, one year or less, and then the pond is emptied and shall be covered per requirement of the site design review ordinance of the City of Caribou.

5. ANIMAL UNIT

Means 1,000 pounds of animal body weight.

Sec. 13-750 Performance Guarantees.

1. Types of Guarantees.

With submittal of the application for Final Plan approval and required by the CEO or Planning Board, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and the amount of the performance guarantee shall be established by the CEO after reviewing the cost estimates for improvements submitted with the Final Plan by the applicant and the review of those estimates for accuracy by the appropriate City Officials, departments, utilities, and/or agencies.

- A. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the "City of Caribou", the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the City of Caribou shall be named as owner or co-owner, and the consent of the City shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the City has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.
- B. Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the City. The bond documents shall specifically reference the application for which approval is sought.
- C. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for construction and may not be used for any other project or loan.
- D. Phasing of Development. The CEO or Planning Board may approve plans to develop an application in separate and distinct phases. This may be accomplished by limiting final approval to those areas abutting that section of any proposed road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of development in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

E. Conditional Agreement. The CEO or Planning Board may provide for the applicant to enter into a binding agreement with the City in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan, on the condition that:

1. (Subdivisions only) No more than four (4) lots may be sold or built upon;
2. It is certified by the Planning Board that all of the required improvements have been installed in accordance with all local Ordinances and the regulations of the appropriate utilities; or
3. A performance guarantee, acceptable to the City, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be indicated on the Final Plan which is recorded at the Aroostook County Registry of Deeds, Northern Office. Release from the agreement shall follow the procedures for release of the performance guarantees contained herein.

2. Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant shall be in default and the City shall have access to the funds to finish construction.

3. Release of Guarantee.

Prior to the release of any part of the performance guarantee, the City Council shall determine to its satisfaction, in part upon the report of the Planning Board and the CEO and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

4. Default.

If, upon inspection, the CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the City Manager, City Council, the Planning Board, and the applicant or developer. The City shall take any steps necessary to preserve the City's rights.

5. Extension.

The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Planning Board and the City Council, good cause for such extension. Such recommendation shall be referred to the City Council for official action.