



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org*

**Caribou Planning Board
Regular Meeting
Wednesday, April 6, 2016 • 5:30 PM
Caribou City Council Chambers**

AGENDA

- I. Call Meeting to Order
- II. Approval of Minutes
 - a. March 16, 2016 Rescheduled Regular Meeting 2-3
- III. New Business
- IV. Old Business
 - a. Chapter 13 Re-write 4-20
- V. Other Business
- VI. Adjournment



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Caribou Planning Board Meeting Minutes Wednesday, March 16, 2016 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Matthew Hunter, Michele Smith, Todd Pelletier, Philip McDonough III and Evan Graves

Members Absent: Robert White

Others in Attendance: Jim Chandler –Assistant City Manager & Code Enforcement Officer, Tim Roix – BR Smith Associates, Inc., Richard St.Peter and Denise Lausier

I. Call Meeting to Order - The meeting was called to order at 5:30 pm.

II. Approval of Minutes

a. February 3, 2016 Regular Meeting – Philip McDonough III moved to approve the minutes as presented; seconded by Matthew Hunter. Vote was unanimous.

III. New Business

a. Concept Plan Review – St. Peter Gravel Pit – Tim Roix from BR Smith Associates explained to the Board that this is an existing pit that was developed prior to Richard St. Peter. Pits now need to be licensed by the Department of Environmental Protection. Jim Chandler told the Board that no one has come forth with any concerns, so at this point if the Board chooses they can waive a second review and public hearing on the plan. Todd Pelletier moved to waive the second review and public hearing and to move forward with final plan approval; seconded by Philip McDonough III. Vote was unanimous.

IV. Old Business –

a. Chapter 13 Re-write – There was Board discussion on the re-write of Chapter 13 and the Comprehensive Plan and how they need to complement one another. The Board continued their review of Chapter 13, Section 700 – General Requirements for Land Uses. The Board reviewed and discussed numbers 15-26 of Section 13-700 and proposed a few changes. Board discussion on bringing ordinances in line with state standards and not being more restrictive than what they require.

- V. **Other Business** – Request by Philip McDonough III to put on the May meeting agenda the approval of non-conforming properties, specifically parking in the downtown. He is looking to footnote the files on the decisions that have already been done by the Planning Board. The Board discussed his concerns and also discussed that they don't want to hinder future development. This item will be placed on the May agenda.

- VI. **Adjournment** – Philip McDonough III moved to adjourn the meeting at 6:25 pm; seconded by Matthew Hunter. Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary

RW/dl



OFFICE OF THE CITY MANAGER

CARIBOU, MAINE

Date: April 6, 2016

To: Chairman and Planning Board Members

From: Jim Chandler, Assistant City Manager

Subject: Chapter 13 Re-Write

Continue discussions of the re-structuring and editing of Chapter 13, Section 700 – General Requirements for Land Uses.

We are beginning with a new (and final) section of the Land Use articles, beginning with # 27. Sewage Disposal. The following pages are reformatted to correct for several numbering and alignment issues in the existing published code, and are also page numbered for our reference during the meeting. The section we are starting with (# 27) is located on page 882 of the Caribou Code, and you will note I have included these page numbers (highlighted in yellow) for reference to the actual Code volume.

Resumption of review and rewriting City of Caribou Chapter 13. Zoning; Section 13-700 Land Use.**27. Sewage Disposal.****A. Public Sewage Disposal**

1. Any development within 1000 feet of a public sewage disposal system, at its nearest point, shall make provisions for connection to the public system. When public sewage disposal service shall not be available at the time of construction, a “capped system” may be installed within the development, at the discretion of the Planning Board and after consultation with the Caribou Utilities District (CUD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
2. When a development is proposed to be served by the public sewage system, the complete collection system within the development, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The CUD shall certify that providing public sewage service to the proposed development is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
4. The CUD shall review and approve the construction drawings for the public sewage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.
5. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the State of Maine, *Subsurface Wastewater Disposal Rules* and shall be approved by the CEO or Planning Board and the Health Office.

B. Private Sewage Disposal.

1. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system shall not be permitted. Sewage disposal shall be by a private subsurface wastewater disposal system. The developer may install and connect to the public sewage disposal system totally at their own expense and in conformance with the standards and specifications of the CUD.
2. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine, *Subsurface Wastewater Disposal Rules*.
 - a. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the, *Subsurface Wastewater Disposal Rules*.
 - b. On lots in which the limiting factor has been identified as being within 12-15 inches of the surface, exclusive of shoreland areas, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the *Subsurface Wastewater Disposal Rules*.

28. Sidewalks.

Sidewalks should be installed on one side of the street in all new residential developments within the Urban Compact Area. Where sidewalks exist adjacent to a proposed development outside of the Compact Area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet the following minimum requirements.

- A. Where utilities or other appurtenances are present within five (5) feet of the curb, the typical width of the sidewalk should be seven (7) feet. Where no utilities are present, a sidewalk width of five (5) feet is acceptable. Sidewalks shall be located a minimum of five (5) feet from the curb facing or edge of shoulder if the street is not curbed. Preferably, utility poles, fire hydrants, and traffic signs should be placed behind the sidewalk.
- B. Bituminous Sidewalks.
 1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
 2. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in one (1) lift no less than two (2) inches thick after compaction.

C. Portland Cement Concrete Sidewalks.

1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
2. The Portland Cement concrete shall be reinforced with six (6) inch square, W 2.0 wire mesh and shall be no less than four (4) inches thick.

D. Brick, Pavement Stone, Cobblestone, or Flagstone.

Excavation shall be to the required depth and width and the layers shaped and compacted to a firm even surface. All soft and yielding material shall be removed and replaced with acceptable material. A brick, pavement stone, cobblestone, or flagstone sidewalk should be constructed in four (4) layers:

1. The first layer is a "subbase" aggregate course no less than twelve (12) inches thick after compaction.
2. The second layer is a hot bituminous pavement course of MDOT plant Mix Grade D constructed in one (1) lift no less than one (1) inch thick after compaction.
3. The third layer is a course of fine sand no less than one (1) inch thick after compaction.
4. The fourth layer is either the bricks, pavement stones, cobblestones, or flagstones.

E. Curb-Cut Ramps.

Curbs and sidewalks should be designed with curb-cut ramps at all pedestrian crosswalks to provide adequate access for the safe and convenient movement of physically handicapped persons. The following criteria should be considered in the design of curb-cut ramps:

1. At each intersection with a pedestrian crosswalk, curb-cut ramps should be provided on all corners. At T-intersections, ramps should be located on the side opposite the minor intersecting road.
2. Curb-cut ramps should be located and protected to prevent their obstruction by parked vehicles.
3. At marked pedestrian crosswalks, curb-cut ramps should be contained entirely within the markings, excluding any flared sides.
4. The function of the curb-cut ramp should not be compromised by other roadway features, such as, but not limited to guardrails, catch basins, manholes.

29. Signs.

A. Purposes: The purposes of this subsection are to:

1. Encourage the effective use of signs as a means of communication;
2. Maintain and enhance the aesthetic environment;
3. Create and maintain an attractive business climate;
4. Improve and maintain pedestrian and traffic safety;
5. Minimize the possible adverse effect of signs on nearby public and private property; and
6. Implement the intent of the Caribou Comprehensive Plan.

B. Sign Permit: Except as provided in subsection "D" below, no sign may be erected, enlarged, illuminated, or substantially altered without a Sign Permit issued by the Code Enforcement Officer after they find that the sign is in accordance with the provisions of this subsection. Each individual sign shall require a permit issued from the CEO.

B1. Sign Permit Fee: The permit fee shall be \$50.00 for each sign permit issued. Charitable and/or civic organizations must obtain a permit, however the fee is waived.

C. General Provisions.

1. Signs must be kept clean, legible, and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety. Property owners are responsible for the conditions of signs on their property; regardless of rental arrangements. Signs for businesses that have been closed or otherwise no longer operate are required to be maintained in the same condition noted above.
2. Except for banners, flags and temporary signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
3. Flags of the United States, Maine, Aroostook County, or any other flag allowed by the City Council, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height are exempt from this ordinance. The United States flag shall be flown in accordance with protocol established by the Congress of the United States in Chapter 1 of Title 4 of the United States Code.
4. Nothing within this subsection shall prohibit the use of the following signs:
 - a. Traffic safety signs, directional signs, or emergency warning signs, erected by a government agency, or a public utility.
 - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

- A. Permitted Signs: The following types of signs are permitted, except where otherwise prohibited by law, and shall not require a Sign Permit issued by the Code Enforcement Officer.
1. All permanent on-premise signs erected prior to the effective date of this Ordinance (ordinary maintenance and upkeep shall be allowed).
 2. Any sign approved by the Planning Board, as an element of Site Design Review, prior to the effective date of this Ordinance or as proposed in a pending application.

884

- E. Prohibited Signs: The following signs are prohibited in all areas of the City.
1. No permanent sign except traffic and similar public safety signs, official business directional signs (OBDS) shall be located in the public right-of-way of any street or highway unless approved by the Police Chief or his/her designee; if applicant is aggrieved by the decision of the Police Chief he or she may appeal the decision of the Police Chief to the City Council.
 2. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter into or exit from public streets or private roads.
 3. Temporary movable signs are allowed under the following uses:
 - a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for a period of more than ninety (90) consecutive days.
 - b. To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed ninety (90) consecutive days.
 - c. To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) consecutive days.
 - d. There must be a 30 day waiting period in between each 90-day period a temporary sign is erected.
 - e. Temporary signs less than 12 square feet which are not displayed when the business is closed, are exempt from this ordinance.
 4. Signs in any district shall not exceed 25 feet in height
 5. Signs in any district shall not exceed 96 square feet
 6. Signs in R-1 and R-2 districts that are not in compliance with the Home Occupation Ordinance or in a subdivision a sign for the purpose of identifying that subdivision exceeding 32 square feet are prohibited.

F. Non-Conforming Signs: Non-Conforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below:

1. No non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition.
2. A non-conforming sign may not be moved except for maintenance, change in message or repair, or replaced except to bring the sign into conformity with this subsection.

H. Specific Standards:

1. C-1, C-2, RC-2, I-1, and I-2 Districts.

The following standards apply to signs in the C-1, C-2, RC-2, I-1, and I-2 Districts.

- a. In the case of a multi-tenant or unit commercial or industrial development, the owner of such premises is responsible for compliance with this ordinance.

2. R-1, R-2 and R-3 Districts.

The following standards apply to signs in the R-1, R-2 and R-3 Districts.

- a. In the case of a multi-family development or a subdivision with an identifying name (i.e. "Solar Slopes"), the owner of such premises is responsible for compliance with this ordinance.

I. Changeable Signs: The goal of the City is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner consistent to that provided by State law, and to do so in a manner that promotes highway safety.

1. Definitions

- a. Changeable Sign: "Changeable Sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
- b. Display: "Display" means that portion of the surface area of a changeable sign that is, or is designed to be, or is capable of being, periodically altered for the purpose of conveying a message.
- c. Message "Message" means a communication conveyed by means of a visual display of text.

2. Regulations

- a. The display on each side of the changeable sign may be changed no more frequently than once every thirty (30) seconds.
- b. The display on each side of the changeable sign must change as rapidly as technologically practicable, but the display may change through phasing, rolling, scrolling or blending provided, however, that the display on each side of a changeable sign shall not flash.
- c. Changeable signs are only allowed in C-1, C-2, RC-2, I-1, and I-2 districts.

3. Administration

Pursuant to Title 23 M.R.S.A. Section 1914, Sub-Section 11-A, the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The City shall notify the Maine Department of Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The City's Code Enforcement Officer shall administer the provisions of this Ordinance.

4. Penalty

Any person who shall violate a provision of the Ordinance, or shall fail to comply with any of the requirements thereof, shall be found guilty of a civil offense, punishable by a fine of not less than \$100.00, or more than \$2,500.00. Each day that a violation continues shall be deemed a separate offense.

Historical Note: Section 13-700 §29 as amended June 27, 2005; Section 13-700 §13 as amended March 25, 2013; Section 13-700 §29 as amended June 10, 2013

886

887 - BLANK

30. Stormwater Management.

- A. Adequate provision shall be made for disposal of stormwater generated within the development, and any drained ground water, through a management system of swales, culverts, underdrains, and storm drains.
- B. All components of the stormwater management system shall be designed to infiltrate, detain, or retain water falling on the site so as to limit peak discharge rates to predevelopment levels for the 2-year, 10-year, and the 25-year frequency, 24-hour duration storms, based on rainfall data for Caribou, ME.
- C. The proposed stormwater management system shall be designed by a Maine Registered Professional Engineer.
- D. The design of piped or open channel systems shall be based on a ten (10) year flow frequency without overloading or flooding beyond channel limits. In addition, the areas expected to be flooded by runoff of a twenty-five (25) year frequency shall be designated, and no structures shall be planned within such area.
- E. Rights-of-way or easements shall be designated for all components of the stormwater management system lying outside of established road lines. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to the City allowing maintenance and improvement of the system. Such rights-of-way shall be at least thirty (30) feet in width.
- F. The stormwater management system shall take into consideration the upstream runoff which must pass over or through the development site. The system shall be designed to pass upstream flows generated by a twenty-five (25) year frequency through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
- G. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased stormwater flows.
- H. Where permanent embankment type storage or retention basins are planned, the basins shall be designed as outlined in the Natural Resources Conservation Service Engineering Field Manual or other appropriate references.
- I. Any grading or other construction activity on the site shall not cause unreasonable alteration of natural drainage ways such that drainage, other than that which occurred prior to development, shall adversely affect adjacent parcels of land and that drainage ways flowing from adjacent parcels of land to the development site shall be impeded.
- J. The developer shall maintain all components of the stormwater management system until it is formally accepted by the City, or is placed under the jurisdiction of a legally created association that shall be responsible for the maintenance of the system. The charter of such an association must be acceptable to the Planning Board.
- K. The stormwater management system shall be fully coordinated with project site plans, including consideration of road patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities, especially sanitary wastewater disposal facilities.

- L. When the construction of a development is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed, and not limited to an initial or limited phases of the development.
- M. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Minimum depth of cover material shall be 24" from the pipe crown. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity. Catch basins shall be installed where necessary and located at the curb line.

888

- N. The physical, biological, and chemical properties of the receiving waters shall not be unreasonably degraded by the stormwater runoff from the development site.
- O. Storm Drainage Construction Standards.
 - 1. Materials.
 - a. Storm drainage pipes shall conform to the requirements of MDOT Standard Specifications for Highways and Bridges, latest edition, materials specifications §706 for non-metallic pipe and §707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as road underdrains. Bituminous coated steel pipes shall not be used.
 - b. Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty (50) year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the following thickness requirements depending on pipe diameter:

Inside Diameter	Material	
	Galvanized CMP Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy	Aluminum Coated CMP Polymer Coated CMP
15" to 24"	14 ga.	14 ga.
30" to 36"	16 ga.	12 ga.
42" to 54"	14 ga.	10 ga.
60" to 72"	12 ga.	8 ga.
	10 ga.	

- 3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Highway Superintendent.
- 4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

- P. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

31. Street Trees, Esplanades, and Open Green Spaces.

Street trees, esplanades, and open space areas may be required at the discretion of the CEO or Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the developer as construction of the development progresses.

32. Swimming Pools.

- A. Swimming pools designed to hold more than 10,000 gallons of water installed after the effective date of this Ordinance shall require a permit issued by the CEO.
- B. All swimming pools shall meet accessory structure setback requirements for the District they are to be located in.
- C. Enclosures of swimming pools shall comply with the provisions of Title 22, MRSA, §1632.

33. Temporary Dwellings.

- A. Purpose: To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on a lot, except within the Resource Protection District of the City's Shoreland Zoning Ordinance.
- B. The CEO may issue a Temporary Dwelling permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:
 - 1. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.
 - 2. All zoning setbacks and lot coverage requirements of this Ordinance shall be met.
 - 3. The owner must reside in one of the structures during construction or renovations.
 - 4. The structure which is not to be the principle residence shall be resided in for not more than eighteen (18) months from the date of the issuance of the permit for the construction of the primary residence.
 - 5. Within eighteen (18) months from the date of the issuance of a permit in the case of a mobile home it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.
 - 6. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the City that the provisions of this subsection shall be complied with.

34. Toxic and Noxious Discharges.

No use shall for any period of time discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1 of the Industrial Hygiene standards, maximum Allowable Concentration, Chapter 5 of the "*Air Pollution Abatement Manual*," latest edition, which is hereby incorporated in and made a part of this subsection by reference.

35. Utilities.

- A. Easements for utilities, either within or beyond the proposed development, as may be necessary, shall be provided for where necessary and shall be at least twelve feet (12') wide.
- B. Whenever practical, the applicant should be encouraged to install underground conduits and other necessary subsurface structures to provide electric power, telephone, and cable service throughout the development. Such underground structures shall be constructed according to the requirements of the utility company involved.

36. Waste Material Accumulations Regulated.

Deposits or accumulations of rubbish, junk, junk automobiles and parts thereof, discarded articles of any kind, household, industrial, or commercial wastes shall not be made in any District except at a dumping place or places designated as such by the City Council provided, however, that nothing in this subsection shall be construed to prohibit the establishment or operation of commercial automobile graveyards and junkyards as permitted under the terms of these Ordinances.

37. Water Supply.**A. Public Water Supply.**

1. Any development within 1000 feet of a public water supply, at its nearest point, shall make provisions for connection to the public system. When public water supply service shall not be available at the time of construction, a "capped system" may be installed within the development, at the discretion of the Planning Board and after consultation with the Caribou Utilities District, to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.

890

2. When a development is to be served by a public water supply system, the complete system within the development, including fire hydrants, shall be installed at the expense of the developer. The size and location of mains, gate valves, hydrants, service connections shall be reviewed and approved in writing by the Caribou Utilities District. Service provided shall be a minimum of 20 psi. and 500 gallons per minute. The Caribou Fire Chief shall review the system for minimal provision of service.
3. A proposed development shall not generate a demand on the source, treatment facilities, or distribution system of the Caribou Utilities District beyond the capacity of those system

components, considering improvements that are planned to be in place prior to occupancy of the development. The developer shall be responsible for paying the costs of system improvements necessary to the District's system improvement plan, as necessary, to alleviate existing deficiencies.

4. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the "*State of Maine Subsurface Wastewater Disposal Rules*" and shall be approved by the CEO or Planning Board and the Health Office.

B. Private Individual Wells.

1. When a proposed development is not within 1000 feet of a public water supply, at its nearest point, the water supply shall be from individual wells. The developer may install and connect to the public water supply system totally at their own expense and in conformance with the standards and specifications of the Caribou Utilities District.
2. Due to the increased chance of contamination from surface water, dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the final recording Plan.
3. Wells shall not be constructed within 100 feet of the traveled way of any road. If located downhill from the road, or within 50 feet of the traveled way of any road, or if located uphill of the road, this restriction shall be included as a note on the final recording Plan and deed restriction to the effected lots.
4. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
5. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the *Maine Subsurface Wastewater Disposal Rules*.

38. Establishments dealing in the consignment or resale of used personal property.

The City of Caribou, Maine elects to adopt and enforce the requirements of Maine Revised Statute Annotated, Title 30-A, §3971, Records of sales of used merchandise.

The City of Caribou requires by this ordinance that every establishment within the City of Caribou, dealing in the consignment for sale, resale or trade of any and all personal property, provide and deliver to the Caribou Chief of Police a monthly inventory report of all items taken into that establishment's inventory. The monthly report is to be delivered to the Chief of Police by the 15th of each month showing the previous calendar months inventory of new transactions.

This ordinance pertains to every dealer in used personal property, including and not limited to pawn shops, used merchandise shops, consignment shops, internet sales shops and establishments similar in use.

39. Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana**A. Purpose and Authority**

To regulate the location of Registered Medical Marijuana Dispensaries within the City of Caribou:

Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The City of Caribou also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Where as marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and licensing requirements specific to the City of Caribou for the operation of a Registered Medical Marijuana Dispensary.

891

C. Regulations:

1. The establishment of a Registered Nonprofit Dispensary or Registered Cultivation Facility shall require review by the Caribou Planning Board as per Section 13-300 "Site Design Review" of the Caribou Code. Section 13-302 (B) shall require a mandatory public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.
2. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the structure providing the service is located in the H-1, C-1, C-2, I-1, I-2 or RC-2 Zones.
3. No Registered Nonprofit Dispensary shall be allowed in the R-1, R-2 or R-3 Residential Zones or within 300 feet of an existing residential dwelling or within 300 feet of the R-1, R-2 or R-3 Residential Zone Boundary Line.
4. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary if the premise concerned is located within the Drug Free Safe Zone, or 500 feet of a preexisting Private School, Day Care Facility, or House of Public Worship.
5. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within a Registered Nonprofit Dispensary or is offsite from the Dispensary within the R-3 Zone and also meeting all setback requirements applicable to Registered Nonprofit Dispensaries.
6. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal Codes and Regulations.

Security requirements for both the Registered Nonprofit Dispensary and associated Registered Cultivation Facilities shall include as a minimum:

- a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Caribou Police Department.
 - b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.
 - c. Video surveillance capable of covering the entire perimeter of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day seven days per week and such records of surveillance shall be retained for a minimum duration of 90 days
7. A Registered Nonprofit Dispensary and Registered Cultivation Facility may not continue to employ an employee who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the Registered Nonprofit Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any state or federal controlled substance law

while a principal officer or board member of a Registered Nonprofit Dispensary or Registered Cultivation Facility, that Registered Nonprofit Dispensary or Registered Cultivation Facility shall immediately be considered in violation of this Chapter.

8. Medical Marijuana Disbursing Facilities must provide an adequate interior waiting area to ensure no exterior waiting of clients.
9. Medical Marijuana Disbursing Facilities must provide adequate off street parking on site at 1 parking space per every 150 square feet of interior space. Each parking space shall be a minimum of 9 feet wide by 21 feet long.
10. All signage shall meet the requirements of Section 13-700, #29, A through H and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.

40. Conditions of Keeping Livestock and Poultry

1. Any livestock shall be kept at least 100 feet from any property line except pigs and hogs which shall be kept at least 200 feet from any property line and shall be kept at least 100 feet from any residential dwelling or water well.
2. Any poultry shall be kept at least 50 feet from any property line.

892

Historical Note: Section 13-700 §1(B,C,D & E) as amended March 26, 2007; Section 13-700 §38 was added February 11, 2008 (State Law Reference: MRSA 30-A, §3971); Section 13-700 §39 was added October 25, 2010; Section 13-700 §40 was added October 28, 2013.