AGENDA

ORDINANCE COMMITTEE

Thursday, April 19, 2018
4:30 p.m.
Council Chamber A

Item 1. Call to order.

Item 2. Attendance.

Item 3. Approval of Minutes: March 19, 2018.

Item 4. Discussion on possible Odor Ordinance.

Item 5. Discussion on Mooring Ordinance.

Item 6. Discussion on Parking by Scarborough Beach on the Black Point Road.

Item 7. Identification of next agenda items.

Item 8. Adjournment.

MEMO
TO: Members of the Ordinance Committee
FROM: Larissa Crockett, Assistant Town Manager
RE: Odor ordinance

You will see included in your packet proposed ordinance language regarding odor. I would like to call your attention to a few items:

1. The Health and Human Services Committee has put forward two bills that would amend Maine's Medical Use of Marijuana Act. LD 238 *An Act to Amend the Maine Medical Use of Marijuana Act* has been unanimously amended by the committee to include the following language:

   Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001 of the Maine Revised Statutes, a municipality may regulate registered marijuana caregivers, testing facilities, processors, and dispensaries, except that municipalities may not prohibit or limit the number of registered caregivers.

   This sentence provides municipalities with the authority to regulate medical marijuana through land use ordinances. If this bill passes it will become effective immediately as emergency legislation. The session is scheduled to adjourn on April 18, 2018. Because of this and possible implications of a second bill, LD 1539, I would recommend that we postpone substantive discussion of odor issues until after it is clear what laws will be in effect.

2. If you wish to discuss odor now, please consider the following possible challenges:

a. Odor is highly subjective. While the language presented attempts to qualify levels of odor each nose may experience odors differently and at different levels of intensity. Short of certifying a code-enforcement officer's nose, an actual possibility, this ordinance may be extremely difficult to enforce.
b. We have not received wide-scale complaints regarding odor not associated with the Sanitary District. This may be ordinance language that is uncalled for at this time.
c. The size of house lots in different areas of town make a universal ordinance that uses lot lines more challenging. You may wish to consider establishing different Level allowance for different zones in town.

CHAPTER 616

TOWN OF SCARBOROUGH

GOOD NEIGHBOR ORDINANCE

ADOPTED MAY 3, 2017

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TOWN OF SCARBOROUGH
Good Neighbor Ordinance

1. PURPOSE.

The Scarborough Town Council recognizes certain basic standards that allow residents to enjoy their homes and property, preserve peace and quiet in our neighborhoods, help maintain property values and prevent disputes among neighbors. The purpose of this ordinance is to promote these standards and allow for enforcement of violations.

2. CREATION OF NOISE NUISANCES

(a.) **Purpose.** The Scarborough Town Council finds that excessive noise on the public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of Scarborough's citizens. Accordingly, it is the policy of the Town of Scarborough to prohibit unnecessary, excessive, annoying and distracting noise on the public right-of-way within the Town of Scarborough. The Town Council also finds that people have a right to the peaceful enjoyment of their property and that excessive or continuous noise may limit that enjoyment. Accordingly, it is the policy of the Town of Scarborough to discourage the creation of unnecessary and unpleasant noise when such noise negatively affects surrounding residents.

(b.) **Definitions.** For the purpose of this article, the following words and phrases shall have the following meanings:

Town means the Town of Scarborough, Maine.

Noise-creating devices means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.

Motorcycle means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motor-scooters and mini-bikes.

Operation means actual control by a person.

Public right-of-way means any street, roadway, alley, sidewalk, or other area deeded or dedicated for public travel or transportation purposes.

Straight pipe exhaust system means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.

A. Noise Upon Public Right-of-Way.

(1.) **Creation of Certain Noises upon Public Right-of-Way Prohibited.**

(a.) No person, while occupying any public right-of-way in the Town, shall operate any noise-creating device in such a manner that the public's attention is drawn to the source of the noise.

(b.) The prohibition of this section shall include, but not be limited to, the following activity or conduct:

i. Discharging fireworks or any exploding device,
ii. Firing a starter pistol, air gun, BB gun or a firearm,
iii. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others,
iv. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine,
v. Operations of a motor vehicle, as defined in 29-A M.R.S.A. §101 (42), including but not limited to a motorcycle, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A §1912.

(2.) Exceptions. The provisions of this section shall not apply to the following activity or conduct:

(a.) Expression or communication protected by the United State's Constitution, including the First Amendment, or the Maine Constitution.
(b.) Any activity or conduct the regulation of which has been preempted by Maine Statute.
(c.) Any noise created by a governmental entity in the performance of an official duty.
(d.) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
(e.) The sounding of any signaling device permitted by law.

(3.) Engine Brake. A person operating a motor vehicle in the Town of Scarborough shall not use an unmuffled engine brake to slow the vehicle except in an emergency situation for the purpose of avoiding a collision with a vehicle, object, person or animal. As used in this section, "engine brake" means a device that retards the motion of a motor vehicle by using the compression of the engine of the motor vehicle and "unmuffled" means that the engine brake is not equipped with a muffler which complies with the requirements of 29-A M.R.S.A. section 1912. This section does not apply to emergency response vehicles operated by a governmental entity or licensed provider of emergency medical services.

B. Noise Abatement.

(1.) Loud, offensive noises prohibited.

No person shall make, continue, or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(2.) Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

Daytime hours means the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

Domestic power equipment means but is not limited to power saws, drills, grinders, lawn and garden tools, and other domestic power equipment intended for use in residential areas by a homeowner.

Nighttime hours means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Friday morning; between 10:00 p.m. and 7:00 a.m. Friday evening through

Saturday morning; and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Property line means that line along the ground surface and its vertical extension which:

(1.) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; or

(2.) Separates real property from the public right-of-way.

(3.) Exclusions.

This ordinance shall not apply to noise emitted by or related to:

(1.) Any bell or chime from any building clock, school, or church.

(2.) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.

(3.) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

(4.) Farming equipment or farming activity.

(5.) Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools, or similar devices operated during daytime hours.

(6.) Timber harvesting (felling trees and removing logs from the woods).

(7.) Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities shall also be exempted. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.

(8.) Noise created by refuse and solid waste collection.

(9.) Municipal, public works, or utility projects.

(10.) Using, displaying, firing, or exploding consumer fireworks within the Town of Scarborough in accordance with the Consumer Fireworks Ordinance, Chapter 608A and any other applicable law or regulation.

(4.) Specific prohibitions.

The following acts, among others, are declared to be loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

(a.) Excessive animal noise shall be regulated by the provisions in Chapter 604 – Animal Control Ordinance section 604-8 Animal Noise.

(b.) The using or operating or the permitting to be played, used, or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound which is audible outside of any structure during the nighttime hours or which broadcasts the sound in a loud and unreasonable manner during day-time hours which is audible a minimum of 200 feet from the source of the noise except as otherwise permitted, licensed or sponsored by the Town.

(c.) The use of any automobile, motorcycle or other vehicle, nonessential to safe and reasonable operation, in one or more of the following ways:

i. Revving of motor vehicle engines.

ii. Squealing of tires.
iii. Accelerating or braking unnecessarily so as to cause a harsh, objectionable or unreasonable noise.
iv. Operating audio equipment clearly audible beyond the confines of a motor vehicle.

C. Enforcement.

This section of the ordinance may be enforced by any officer of the Scarborough Police Department. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.

Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice shall be given to the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice. If the cause of the violation is not removed or the condition abated or fully corrected within the time period specified in the written notice, or if the same person commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation.

If the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at her/his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

3. CREATION OF LIGHTING NUISANCES.

A. Purpose. The purpose of this ordinance is to provide reasonable restrictions on the use of lighting in or near the residential zones of the Town so as to prevent lighting from creating a nuisance to residents within residential zones. It is recognized that lighting is essential to the conduct of many commercial and industrial enterprises for advertising and security. It is further recognized that protective security lighting in residential zones constitutes a deterrent to crime and contributes to the safety of residents. Further, properly controlled lighting in residential areas for landscaping and highlighting architectural features of buildings and structures enhances the aesthetics of properties and neighborhoods. However, it is equally recognized that lighting, by virtue of its intensity, brightness, direction, duration, and hours of operation, can constitute a nuisance to adjacent residential dwellers. It is hereby the intent of the Town in adopting this ordinance to encourage the appropriate use of lighting as set forth herein, but to regulate it in a manner to avoid any public nuisance in residential areas.

B. Exceptions. All properties covered by the Town of Scarborough Site Plan Review Ordinance, 405b, are exempt from this ordinance.

C. Outdoor light restrictions

(1.) **Light confinement**. All outdoor lights shall, to the greatest extent possible, be allowed for safety, security, operational needs, and decorative purposes but must confine emitted light to the property on which the light is located, by means of shielded or hooded lighting elements

and shall not be directed upwards except where the light is directed away from neighboring properties and limited to the greatest extent possible to avoid urban sky glow.

(2.) **Spillover light**. Spillover light on to residential property shall not exceed one-tenth (0.1) of one (1) foot-candle at the residential property line.

D. Outdoor light prohibitions

(1.) Any unhoused light source.

(2.) Any light that creates glare observable within the normal range of vision of any public right-of-way or glare that creates a safety hazard.

(3.) Any light that resembles an authorized traffic sign, signal or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Chief of Police or designee.

E. Enforcement

(1.) This section of the ordinance may be enforced by any Code Enforcement or Law Enforcement officer.

(2.) No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.

(3.) Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice of violation may be given to the alleged violating homeowner/responsible party which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of violation. If the cause of the violation is not removed nor the condition abated or fully corrected within the time period specified in the written notice of violation, or if the same homeowner/responsible party commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation. If the alleged violating homeowner/responsible party cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violating homeowner/responsible party at her/his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

4. ODOR

A. Purpose

The purpose of this ordinance is to provide reasonable restrictions on emission of fumes or odors in or near the residential zones of the Town so as to prevent them from creating a nuisance to residents within residential zones. It is recognized that fumes and odors are an unavoidable externality of many commercial and industrial enterprises and household activities. However, it is equally recognized that fumes and odors, if noxious, pervasive, or intense, can constitute a nuisance to adjacent residential dwellers. It is hereby the intent of the Town in adopting this ordinance to encourage the mitigation of fumes and odors as set forth herein, and to regulate them in a manner to avoid, when possible, public nuisance in residential areas.

B. Fumes and odors

Emission of fumes and odors, which could damage human health or animals at any point beyond the lot line of the establishment creating such emission, shall be prohibited. All such activities shall also comply with applicable federal and state laws and regulations.

No person, wherever located, shall cause or allow the emission of odorous air contaminants from any source, such as to result in detectable odors, which are measured in excess of the following limits at the lot line of the source:

1) For the purposes of this regulation, two odor measurements shall be made within a period of one (1) hour, these measurements being separated by at least fifteen (15) minutes.

2) An odor or odors beyond a lot line constitutes a nuisance if it unreasonably interferes with the enjoyment of life or use of property.

Based on the following nuisance levels, the Code Enforcement Officer shall exclude or restrict uses that produce or emit an odor beyond a lot line that is above a Level 3. Property owners producing odors determined to be above a Level 2 will be made aware of the odor concern and encouraged to find ways to mitigate the odor.

Odor Levels

Level 1: An odor that would ordinarily not be noticed by the average person but could be detected by the experienced inspector or hyper-sensitive individual.

Level 2: An odor so weak that the average person might detect it if attention was called to it but would not otherwise attract attention.

Level 3: An odor of moderate intensity that would be readily detected and would be regarded with disfavor.

Level 4: An odor that would force itself upon the attention of the average person and that would make the air very unpleasant.

Level 5: An odor of such intensity that the air would be absolutely unfit to breathe.

C. Exceptions

This ordinance shall not be understood to prevent the following activities:

1. Preparation of food by households either within the home or out of doors
2. Small contained outdoor fires in residential areas.
3. Permitted open burns.
4. Seasonal application of amendments to agricultural properties.
5. Odors associated with the regular operations of working waterfront industries

D. Enforcement

1. This section of the ordinance may be enforced by any Code Enforcement or Law Enforcement officer.

2. No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.

3. Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice of violation may be given to the alleged violating homeowner/responsible party which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of violation. If the cause

of the violation is not removed nor the condition abated or fully corrected within the time period specified in the written notice of violation, or if the same homeowner/responsible party commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation. If the alleged violating homeowner/responsible party cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violating homeowner/responsible party at her/his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

4. PENALTIES.

A. Noise Violations

Violation of the noise sections of this ordinance are a civil violation punishable by the following civil penalties:

(1) First Offense:	$50.00
(2) Second Offense:	$100.00
(3) Third Offense:	$200.00
(4) Fourth and Subsequent Offenses:	$500.00

B. Lighting Violations

Any person found to be in violation of the lighting section of this ordinance or who fails to obey any lawful order of any officer charged with the enforcement of the provisions contained therein commits a civil violation and shall be fined between $100 to $2,500 for each day such violation continues after the time for correction of the violation specified in the written notice of violation under Section E (3) has expired.

C. Odor Violations

Violation of the odor sections of this ordinance are a civil violation punishable by the following civil penalties:

(1) First Offense:	$50.00
(2) Second Offense:	$100.00
(3) Third Offense:	$200.00
(4) Fourth and Subsequent Offenses:	$500.00

5. SEVERABILITY.

Should any section or provision of this ordinance be determined in a court of law to be unconstitutional, invalid or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or of the remainder of the ordinance as a whole.

6. EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCE

This ordinance repeals Chapter 614, Noise Abatement Ordinance, adopted on November 7, 2007 and amended March 7, 2012 and repeals and replaces Chapter 611, Noise Ordinance, adopted August 20, 2003.

Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1a. Placement of Private Moorings.

It shall be a violation of this Ordinance to place any mooring in the harbor without a permit from the Harbormaster issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. Proof of boat registration, in the same name as the mooring applicant, must be shown prior to a mooring permit being issued. A person whose application for a mooring permit is denied may appeal as provided in Article X of this Ordinance There shall be no appeal from the issuance of a permit.

Section 1b. Minimum Mooring Requirements. [amended 02-20-13]

All moorings shall conform to the following specifications. [amended 04/04/2007]

Size of Boat	Up to 16'	from 16' up to 25'	from 25' up to 30'	from 30' up to 36'	36' and above
Weight of Block	Up to 500# (open boat)	Up to 750#	Up to 1,000#	Up to 1, 250#	1500# minimum
Size of Chain Shackle	½"	½"	5/8"	¾"	¾" to match minimum
Size of Nylon Pennant	½"	½"	¾"	1"	1"
Length of Mooring maximum	25'	25'	30'	35'	35'
Set date to moor	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year

The Harbormaster may permit variations from these specifications, if in his or her judgment, the proposed mooring has holding power equivalent to that which would be provided by a mooring meeting these specifications.

All moorings that are to be placed up river from the day marker in Scarborough must be built using granite block only and cannot be any higher than 24 inches in overall height.

Marker Buoys to show at all tides. All chains to be at least one foot above high water mark. All moorings to be inspected every two years - no later than July 1st.

The Harbormaster shall maintain a plot plan of the anchorage area indicating locations of moorings, size of boats, and areas to be used as waterways. A copy of this map will be kept on file at the Town Office.

Subletting of Mooring Space:

The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however another boat owner may use the mooring, provided the original owner pays the fee or fees and has requested permission from the Harbormaster to moor such vessel ~~.~~ through application for a temporary mooring use permit. Each permit allows for one vessel to be moored for no more than seven (7) consecutive days.

Section 2. Obstructing Channels.

It shall be a violation of the ordinance to knowingly or willfully obstruct the free use of any channel or waterway within the harbor or to fail to report to the Harbormaster any collision between vessels or other accident or incident causing damage to persons or property.

Section 3. Abandoned Vessels.

When, in the opinion of the Harbormaster, a vessel has been abandoned in the harbor, he/she may take custody and control of such vessel and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The vessel owner may appeal the action of the Harbormaster under this Section 3 as provided in Article X of this Ordinance. [amended 11/01/17]

Section 4. Vessels Making Fast.

No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored except a rowboat, dinghy or yacht tender regularly used by such a larger vessel. If tied within a slip, such rowboat, dinghy, or tender shall not extend into the fairway beyond the larger vessel if such larger vessel is also occupying the slip, or otherwise beyond the slip itself.

Section 5. Secure Berthing and Anchoring of Vessels.

The owner of any vessel moored or anchored within Scarborough Harbor or maritime facility shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring or tie lines at reasonable intervals.

Section 6. Unseaworthy Vessels Prohibited in Harbor.

A person shall not moor or permit to be moored in any harbor a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency.

Section 7. Correcting an Unsafe Berthing.

If any vessel shall be found in the judgment of the Harbormaster to be anchored or moored within any harbor or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, the Harbormaster shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or her/his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in absence of any such responsible person, the Harbormaster shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Scarborough in effecting such correction. The responsible person under this Section 7 may appeal the action of the Harbormaster as provided in Article X of this Ordinance. [amended 11/01/17]

Section 8. Removal and Custody of Illegally Berthed or Abandoned Vessels.

In any unattended vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if the Harbormaster has reasonable grounds to believe that a vessel has been abandoned within a Scarborough Harbor or maritime facility, the Harbormaster may assume custody of such vessel and cause it to be removed and held or placed in storage. The Town of Scarborough or its officials shall not be held liable for any damage to such vessel or liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Town Manager only after satisfactory proof of ownership has been presented and full reimbursement made to the

Town for all costs incident to recovery, movement and storage. The vessel owner may appeal the action of the Harbormaster under this Section 8 as provided in Article X of this Ordinance.

Section 9. Obstruction of Fairways, Channels, Launch Ramps or Berthing Spaces, and Removal of Sunken Vessels.

(a) It shall be unlawful to tie up or anchor a vessel in Scarborough Harbor or maritime facility in such a manner as to obstruct the fairways, launch ramps or channels or to prevent or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timbers, debris, logs or piles in any channel, fairway, or berthing space in such a manner as to impede navigation or cause damage to vessels therein. Wrecked or sunken vessels within a harbor are subject to the published rules and regulations of the United States Coast Guard and any applicable State law, rules or regulations.

(b) Whenever the navigation of any waters within a Scarborough Harbor or maritime facility, including anchorages and berths therein, shall be obstructed or endangered by any sunken vessel or other obstruction or danger has existed for a period of more than ten (10) days, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner or owners of such vessel or other property causing said obstruction or danger shall be liable to the Town of Scarborough for all costs incident to said removal and disposition, and the Town of Scarborough, its employees, agents, and officers, shall not be liable for damages of any nature whatsoever arising out of or in any way connected with removal, sale or disposition of such vessel or other property. The vessel or property owner may appeal the action of the Harbormaster under this Section 9(b) as provided in Article X of this Ordinance.

Section 10. Houseboats. [adopted 02-20-13]

Notwithstanding any other provision of this article to the contrary, houseboats are prohibited from mooring or anchoring in the anchorage except at marinas which provide the following:

(1) A permanent float, dock or slip from which the houseboat may be directly boarded from land;
(2) Connection to a public water supply by means of an individual anti-backflow valve:
(3) A sewer connection to a public sewage system;
(4) A year-round, all weather supply of electricity;
(5) Parking as required by the codes and ordinances of the municipality where the marina is located; and
(6) Compliance with the applicable land use codes.

TOWN OF SCARBOROUGH MOORING PERMIT APPLICATION
WAITING LIST

Town Clerk's Office
P.O. Box 360
Scarborough, ME 04070-0360

(Please print or type)

Please check one: Commercial Mooring____ Recreational Mooring____

Owner's Last Name_____ **Date of Application**

Owner Information: *(Please complete all sections)*

Full Name:_____ Winter Home Telephone:_____ Business Telephone:_____

Winter **Mailing** Address:_____ Town/City:_____ State/Zip:_____

Summer **Street** Address:_____ Town/City:_____ State/Zip:_____ Summer Phone:_____
(Street address is physical address—not a P.O. Box)

Email address: _____

Boat Information: *(Please complete all sections)*

Boat Registration/Document #:_____ Boat Name:_____ Make:_____

Color (hull/trim):_____ Length:_____ Draft:_____ Propulsion:_____ Engine type:_____

Important Information to Know:

1. Proof of boat registration, in the name of the mooring applicant, is required prior to a permit being issued.
2. Mooring permits are non-transferable and for the use of the above-named boat only, except on a temporary basis at the discretion of the Harbor Master as outlined in Article V section 1b, in Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance.
3. Location of all NEW moorings will be assigned by the Harbor Master or Deputy. The location is subject to change at any time at the discretion of the Harbor Master or Deputy as conditions dictate.
4. Holder of mooring permit is responsible for setting mooring and making adjustments as required for the safety of this boat and adjacent boats.
5. Mooring number must be painted on mooring buoy in at least 3-inch letters of a contrasting color to ball.
6. The valid mooring registration sticker must be affixed to the boat on the port side following the State registration sticker.
7. If any boat on a licensed mooring is taking on water or in danger of sinking, the Harbor Master may authorize a private contractor to pump out said boat at the expense of the owner. The owner must pay the contractor within 60 days or owner will lose mooring privileges.
8. Registration form and fee must be received **before May 1 each year** or the fee will double. All moorings not registered by July 1 of each year will be considered abandoned and cut loose and their location re-assigned, unless prior arrangements have been made with the Harbor Master.
   Please Note: All moorings must be in by July 1 or the location will be re-assigned according to waiting list priority.

~~Mooring fees once approved: Resident/Scarborough Real Estate Taypayer: $50.00/year Non-Resident: $100.00/year~~

I have read the above rules, as well as Chapter 1400, the Town of Scarborough Coastal Waters and Harbor Ordinance, and agree to abide by all the rules and regulations set forth therein.

Signature:_____ Date:_____

OFFICE USE ONLY Received by:_____ Date received:_____

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

No person shall park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device. [Amended 07/16/14]

(1) No all-night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.

(2) Upon the Pleasant Hill Road from U.S. Route One to the Rigby Road.

(3) Upon the westerly side of the Willowdale Road from U.S. Route One to the end of the Town right-of-way. (Parking permitted on the easterly side).

(4) Upon the Black Point Road within one-tenth (0.1) miles of the entrance to the Scarborough Beach State Park at 418 Black Point Road.

(4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. [Amended 11/16/94]

(5) Upon the Broadturn Road within 50' of U.S. Route One to end.

(6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route One.

(7) Upon U.S. Route One from the South Portland line to the Saco line (both sides).

(8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route One. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route One.

(9) Upon Pillsbury Drive (entire length).

(10) East Grand Avenue (east side) one parking space in front of 19 East Grand Avenue formerly; Colony Motel, no parking. [Adopted 10/6/76]

(11) Avenue One Extension (entire length – from King Street to the ocean). [Amended 6/7/89] [Amended 07/16/14]

(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road. [Amended 08/01/90]

(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station. [Amended 08/01/90]

(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length. [Amended August 1, 1990]

(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way. [Amended 08/18/04]

(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive. [Amended 09/07/04]

(17) No parking along Bayview Avenue from Houghton Street to Pearl Street. (Adopted J01/20/10]

(18) No parking on north side of Gorham Road from 183 Gorham Road to the intersection of Gorham Road and Spring Street at number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 50 yards. [amended 12/21/17]