

COVER LETTER TO MONTVILLE'S CITIZENS

The second page of this letter answers the question "Why is the Planning Board now proposing a Mobile Home Park (or Trailer Park) Ordinance?" and notes the process by which the Town has proceeded to enact the attached proposed Ordinance.

WHAT IS NEW IN MONTVILLE'S PROPOSED MOBILE HOME PARK ORDINANCE?

- The proposed Mobile Home Park Ordinance only addresses real estate developments which include 3 or more trailers or similar portable homes. This Ordinance does not have any jurisdiction over landowners wishing to place 1 or 2 trailers on their property.
- Much of this new Ordinance includes existing State regulations and repeats some requirements already found in the Town's Subdivision Ordinance. Thus, most of the attached document is a sensible repetition of regulations the Town or the State have already adopted. The Board recognizes that we all would like to avoid a lengthy document, but also feels that in the long run, a more comprehensive document will provide clarity for those people seeking to develop mobile home parks and will ease the Board's task as it responds to the already complex Mobile Home Park application process.
- In its aim to address the many problems created by any large scale development in the Town, the Mobile Home Park Ordinance attempts to:
 - *Promote the health and safety of residents of any new trailer parks in the town,*
 - *Enhance the overall quality of life of residents,*
 - *Maintain the unique rural quality of the Town of Montville, and*
 - *Limit tax increases caused by 1) higher State valuations of the municipality and 2) population increases in new trailer parks (these new developments don't provide the Town with much tax revenue, but may mean extra costs to the Town through schools, roads, etc.)*
- Generally, new requirements for developers of Mobile Home Parks are found in Article VIII of the attached proposed Ordinance. Specifically, these terms provide:
 - *Standards to more effectively protect drinking water.*
 - *Assurance that sewage from a trailer won't be distributed on another trailer lot.*
 - *Means to assess pollution on property adjacent to Mobile Home Parks and to prohibit their construction in unhealthy environments.*
 - *Protection from property tax increases through "phased development" which will allow the Planning Board to slow down any rapid increases in the Town's population of non-taxpayers.*
 - *Fire, heating, maintenance, and safety standards which will protect trailer occupants from various hazards.*
 - *Provisions for adequate parking space for occupants and visitors.*

Continued

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- New requirements for developers of Mobile Home Parks (Continued)
 - *Measures that will make living in a new Mobile Home Park more comfortable through curved roads, lighting, landscaping, etc.*
 - *Provisions for adequate storage of tools and other belongings as well as storage and disposal systems for household refuse.*
 - *Details particular to Mobile Home Parks such as the percentage of the lot that can be covered by a trailer, numbering of units, etc.*

HISTORY — Why is the Planning Board now proposing a Mobile Home Park Ordinance?

- In 1988 and 1989, the State Legislature enacted laws which regulate Mobile Home Parks (or Trailer Parks.) Essentially, these laws prohibit towns from banning mobile home parks entirely, and establish a number of standards such as those which limit minimum trailer lot sizes, etc. Moreover, the standards enacted by the State are the same for Portland or Bangor as for rural locations such as Montville, and fail to recognize any desire to preserve a rural way of life.
- During 1993 and 1994, the Planning Board was required to review an application for a mobile home park to be built near the Plantation. During this process, many people on the Board determined that existing ordinances – primarily the Town's Subdivision Ordinance – did not address issues that a Mobile Home Park ordinance might more adequately address. These issues include those involving water quality and septage, quality of life, the effect of increased population on taxes in the town, etc.
- In October of 1994, the Board voted to form a subcommittee to design a Mobile Home Ordinance that would allow the Planning Board to more adequately uphold its mandate to "preserve the rural character of the Town, assure the comfort, convenience, safety health and welfare of the people, and promote development in an economically sound manner."
- In the past few months, newspaper advertisements invited Townspeople to join Planning Board members on the subcommittee. It reviewed the ordinances of 5 towns, including those in Searsmont and Washington. The subcommittee also gathered information from the State's Manufactured Housing Board and the Southern Maine Regional Planning Commission and, at one of its meetings, heard from a representative of Maine Tomorrow. Then, in late December, it began to write the attached document.
- On January 25th, at its regular monthly meeting, the Planning Board approved the proposed Ordinance. At a previously advertised February 1st Public Hearing the Planning Board heard from a few members of the public and began a process of revisions on the Ordinance. At its monthly meeting on February 22, the Board approved a final document which will be voted on at Town Meeting in March. The Planning Board welcomes suggestions and questions about this subject. Please contact Planning Board Chairman Chris Schmidt at 342-5234. Other members of the Board are: Jay Legore, Jeff McKeen, Esther Mathieson, Sally Thornley, Peter Kassen, Diana Becker, Paula Wetmore, and Tom Hrichak.

MOBILE HOME PARK ORDINANCE

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ARTICLE II - TITLE & PURPOSE

§1 Title

This Ordinance shall be known and may be cited as the town of Montville, Maine Mobile Home Park Ordinance and will be referred to herein as "this Ordinance".

§2 Purpose

The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the town of Montville, Maine; to protect the environment; to promote the development of an economically sound and stable community; to promote the availability of affordable housing while maintaining the rural, residential character of the town; and to address problems which are unique to high density housing.

ARTICLE III - AUTHORITY, APPLICABILITY & ADMINISTRATION

§1 Authority

This Ordinance is enacted pursuant to Home Rule Powers as provided for in Article VIII -A of the Maine State Constitution and under the authority granted to the Town by the statutes of the State of Maine Title 30-A, M.R.S.A. Section 3001, and in accordance with the provisions of the Title 30-A, M.R.S.A., Section 4358, Subsection 3.

§2 Administration

The provisions of this Ordinance shall be administered by the Town of Montville, the Montville Planning Board and enforced by the Town of Montville, Maine Code Enforcement Officer.

§3 Effective Date

This Ordinance shall be known as the Mobile Home Park Ordinance of the Town of Montville, adopted to be effective by vote of Town meeting on _____.

§4 Applicability to this Ordinance

- A. The provisions of this Ordinance shall apply to all proposed mobile home parks and to expansion of any existing mobile home parks within the boundaries of the Town of Montville, Maine. Mobile home subdivisions as expressly defined in Article XI, §3 of this Ordinance are not governed by this Ordinance, except in the case where the individual owners form a corporate body that owns and governs said mobile home lots in common.
- B. An approved mobile home park plan shall be necessary under the terms of this Ordinance, prior to the establishment or expansion of a mobile home park, and shall consist of a plan as required by Article VII of this Ordinance, including all attachments, signed by the Planning Board, and may include any conditions attached by the Planning Board.
- C. An approved mobile home park plan shall not exempt an applicant from meeting other applicable local, state or federal requirements.

ARTICLE IV - SEVERABILITY & CONFLICT

§1 Severability

Should any article of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other article or provision of this Ordinance.

§2 Conflict with other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

ARTICLE V - AMENDMENT OF THIS ORDINANCE

§1 Initiation of Amendment

An amendment to this Ordinance may be initiated by:

- A. The Planning Board (provided that a majority of the Board has so voted); or
- B. Request of the Selectmen to the Planning Board; or
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Montville, Maine numbering at least ten percent of the number who voted in the last gubernatorial election.

§2 Adoption of Amendment

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within thirty days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Selectmen and to the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of the Town of Montville, Maine at a Town Meeting, a majority vote being required for adoption.

ARTICLE VI - PREAPPLICATION

§1 Preapplication Procedure

- A. Applicant presentation and submission of sketch plans.
- B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- C. Scheduling of on-site inspection.

§2 Preapplication Submission

The preapplication sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed mobile home park. It is recommended that the sketch plan be superimposed on, or accompanied by, a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by a copy of that portion of the U.S.G.S. topographic map of the area showing the outline of the proposed mobile home park.

§3 Contour Interval and On-Site Inspection

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the mobile home park plan. The Board, or its designated agent, shall, at its earliest convenience and normally within 30 days, make an on-site inspection. If any conditions such as snow exist to prevent an adequate inspection in the opinion of the Board, the applicant shall be notified in writing, and any time-limits for review shall be extended accordingly until an on-site inspection can be made. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection.

§4 Rights not Vested

The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

ARTICLE VII - MOBILE HOME PARK REVIEW

§1 Applicability of Article VII

The provisions of this article shall be in lieu of the review requirements of the Subdivision Ordinance.

g2 Application

Prior to the establishment or expansion of a mobile home park, an applicant shall apply for an approved mobile home park plan. Each application shall include:

- a. two reproducible, stable-based transparent originals, one to be recorded at the Waldo County Registry of Deeds and one to be filed at the Montville Town Office,
- b. ten copies on paper, of a site plan, no larger than 24 by 36 inches in size, and having a margin of two inches outside the border line on the left side for binding, and a one inch margin outside the border on the remaining sides with space reserved on the plan for the endorsement of the Planning Board to a scale of not more than one hundred feet to the inch;
- c. plans, sections, and elevations necessary to describe the proposed project.
- d. The following information, where applicable, and any other information that may be required by Article VIII of this Ordinance shall be included:
 - a. Name, address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.
 - b. The date the plan was prepared with the name, address and telephone number of the person or company that prepared it.
 - c. Scale of the drawings submitted and compass rose (all dimensions to be marked in feet or decimals of a foot).
 - d. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas to be excavated or filled.
 - e. Boundaries of the tract of land showing lot lines, and number(s), and abutting lots illustrated on the Town of Montville Tax Assessor's Maps, with total acreage indicated. The Planning Board may require a survey by a licensed surveyor.
 - f. Verification of right, title or interest the applicant has in the property.
 - g. A copy of the deed or deeds of the property together with copies of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - h. Location of existing and proposed mobile homes and other structures.
 - i. Location of buildings or other structures on abutting properties within 300 feet of the property lines of the proposed park.
 - j. Location of existing public and private streets, roadways and rights-of-way.
 - k. Location of proposed access road(s) to the mobile home park from public streets or roadways.
 - l. The following disclaimers shall be attached to the plan to be recorded at the Registry of Deeds and filed with the municipality, as well as any other notes or conditions of approval:
 1. "The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred. "
 2. "No dwelling unit other than a manufactured housing unit shall be located within the park."
 3. "All existing or proposed roads shown in this mobile home park plan shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Montville, Maine."
 - m. An estimate of the average daily traffic projected to be generated by the park and a traffic impact analysis, if required, as stated by Article VIII, §7-F of this Ordinance.

- n. Location and arrangement of proposed off-street parking and loading areas, driveways and maneuvering areas.
- o. Location of existing and proposed pedestrian walkways.
- p. Location of existing and proposed utilities and easements, including sanitary sewerage, water supply, and electricity.
- q. Location of all outdoor lighting.
- r. Location and proposed use of areas proposed for outdoor recreation or for reserved open space as per Article VIII, §5 of this Ordinance.
- s. Location and type of existing and proposed fences, hedges, and trees exceeding 6-inches in diameter measured four feet above ground level.
- t. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.. If any portion of the mobile home park is in a flood-prone area, the plan shall show the boundaries of all flood hazard areas and the 100-year flood elevation.
- u. An analysis of ground water impact if required by Article VIII, §8-A of this Ordinance.
- v. Information about Soils Conditions on the site of the proposed mobile home park:
 - 1. For proposed subsurface sewage disposal, the information shall include evidence of soil suitability according to the standards established in Article VIII, §12 of this Ordinance.
 - 2. The Site Plan shall show the location of soil test areas and natural wet areas.
 - 3. A soil erosion and sedimentation control plan, prepared in accordance with the latest standards of the U.S. Soil Conservation Service.
- w. A "Preservation of Natural and Historic Features" map as required by Article VIII, §10 of this Ordinance.
- x. For projects within lake watershed districts a phosphorus control analysis and plan may be required by the Board.

§3 Application Procedures

A. Submission of Application

- 1. Applications for mobile home park permits shall be submitted to the Chair of the Planning Board who shall issue to the applicant a dated receipt. Within 30 days from the date of receipt, the Planning Board shall determine the applications completeness and notify the applicant in writing either that the application is complete or incomplete. If the application is incomplete, the planning board shall specify what additional material is required to complete the application. The applicant assumes all responsibility to provide the required information. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of the Subdivision Law, Title 30-A, M.R.S.A., Section 4401-4407 or of this Ordinance.
- 2. The application shall be accompanied by a fee specified by the Planning Board.
- 3. The Planning Board shall provide a public advertisement.
- 4. The Applicant shall provide written notice sent certified return receipt to all owners of abutting property, including abutters to any right-of-way leading to the subdivision, that an application for subdivision approval has been submitted to the Board, including the date of the meeting at which it will be discussed. If the proposed subdivision will impact any town bordering Montville, the Board will notify that town's Selectmen. Copies of certified return receipts shall be submitted to the Board.

B. Public Hearing

A public hearing on the proposed mobile home park, shall be held within thirty days of having notified the applicant in writing that a complete application has been received. The Board shall advertise the public hearing, and include the following information:

1. date, time and place of hearing,
2. location of proposed mobile home park by address and
3. the number of proposed units or lots.

The notice shall be published in a newspaper of general circulation in the Town of Montville, Maine and the date of such publication shall be at least fourteen days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691.

C. Planning Board Decision on the Mobile Home Park Application

1. The Planning Board shall, within thirty days of a public hearing, or within sixty days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to by the Planning Board and applicant, issue an order:
 - a. denying or granting approval of the proposed mobile home park,
 - b. granting approval on such terms or conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in the Subdivision Law. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the proposed mobile home park does or does not meet the provisions of this Ordinance.
2. Upon approval of the mobile home park, a majority of the Board shall sign all copies of the development plan. The original shall be filed by the applicant with the Waldo County Registry of Deeds. One copy shall be retained by the applicant, one copy shall be retained by the Planning Board, one copy shall be filed with the Tax Assessor, and one copy shall be filed with the Code Enforcement Officer. The Planning Board shall maintain a permanent record of their action on the mobile home park. Any plan not recorded within 90 days with the Waldo County Registry of Deeds shall be null and void.
3. Approval by the Planning Board of a mobile home park plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Montville, Maine to own or maintain any road, easement, or other open space shown on such plan.

D. Construction limitations

1. Construction of the proposed mobile home park is subject to the provisions of Article IX, §3-D of this Ordinance.
2. After approval of the mobile home park, and before any construction begins, the applicant shall apply for and receive all applicable permits as may be required by the Subdivision Ordinance or any other Town, state or federal regulations, laws or ordinances regulating such developments.

E. Expiration of Approval

All approvals shall expire within one year of the date of issuance unless work thereunder has commenced. If work is not completed within two years from the date of approval, a new application must be made.

F. Plan Revisions after Approval

Plan revisions after approval may be made as provided for in Article IX, §4 of this Ordinance.

G. Limitation on Units

After the effective date of this Ordinance as stipulated in Article III, §3 mobile and modular homes as defined by Article XI, §3 and mobile homes meeting the safety standards contained in Article VIII, §11 may be located in a mobile home park sited within the Town of Montville, Maine. Excepting any units legally sited as of the effective date of this Ordinance as stipulated in Article III, §3 no manufactured housing unit which fails to meet the definition of mobile or modular home contained in Article XI, §3 or which otherwise fails to meet the safety standards contained in Article VIII, §11 travel trailers, units not suitable for year-round occupancy, or site built home shall be located in a mobile home park situated within the Town of Montville, Maine.

H. Expert Witnesses and Opinions

The Planning Board shall retain the right to call, cite, reference, examine, cross-examine, quote, or question any authority, expert, professional, or experienced individual of their choice who, in their sole opinion, may have pertinent information regarding the proposed mobile home park, at any time during the approval process or during the construction process. All costs for above services shall be borne by the developer of the proposed mobile home park. Consultation shall be sought first from sources without fees.

§4 Appeals and Variances

A. Administrative Appeals

1. Any person aggrieved by an action from determinations of the Planning Board pursuant to this Ordinance may file an application for appeal in writing within 30 days of the granting or denial of approval from the Planning Board. The applicant shall file this appeal with the Chair of the Board of Appeals, who shall issue a dated receipt within 7 days, and notify the applicant in writing that the application is either complete or incomplete. The Chair shall specify what additional material is needed, if any, to make the application complete.
2. The fee to accompany applications for appeal shall be specified by the Planning Board. An additional fee shall be required to cover the costs of advertising, postal notification, and dissemination of information for the appeals hearing.
3. The Board of Appeals shall, upon complete written application of an aggrieved party and after public notice, hear appeals within 30 days of such application. Such hearing shall be held in accordance with Maine State Law. The board shall cause notice of the date, time and place of public hearing, the location of the proposed mobile home park, and the general nature of the question involved to be given in writing to the applicant of the appeal and published in a newspaper of general circulation in the Town of Montville, Maine at least two times; the date of the first such publication shall be at least fourteen (14) days prior to the hearing. The Board shall also cause notice of the hearing be given to the Selectmen, the Planning Board, the Code Enforcement Officer, and all property owners within 3,000 feet of the boundaries of the proposed mobile home park at least 21 days prior to the date of the hearing.
4. If such application for appeal is not made within the stated time, the prior decision of the Planning Board shall be final.
5. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board only upon a finding in fact that the decision of the Planning Board is clearly contrary to specific provisions of this Ordinance. The Board of Appeals shall render a

decision in writing to the applicant, Planning Board Chair, Code Enforcement Officer, and the Selectmen within 30 days of the appeal hearing.

B. Variances

1. The Board of Appeals may, upon written application and hearing as outlined in Article VII, §4-A of this Ordinance grant a variance from the strict application of the dimensional requirements of this Ordinance, including lot sizes, setbacks, site distances, lot coverage by structures, sign requirements, and parking requirements only if the strict application of the terms of this Ordinance would result in undue hardship, as defined in Article XI, §3 of this Ordinance, to the applicant.
2. Variances are not justified unless all elements of undue hardship as defined in Article XI, §3 of this Ordinance are present in the case.
3. Variances to relieve economic hardship or to alleviate economic inconvenience, or to make a project economically viable, or to enhance economic viability, are prohibited.
4. Following the public hearing, as outlined in Article VII, §4-A of this Ordinance, the Board of Appeals shall render a decision to grant a variance in writing to the applicant, Planning Board Chair and the Selectmen within 30 days of the appeal hearing.

C. Appeal to Superior Court

Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Waldo County, within thirty days of a written decision in accordance with Maine State Law.

- D. Any appeal or variance granted contrary to the standards set forth in this Ordinance, except as noted in Article VII, §4 of this Ordinance, shall be null and void.

ARTICLE VIII - MINIMUM DESIGN & PERFORMANCE STANDARDS

§1 General Requirements

- A. Except as stipulated below, mobile home parks shall meet all the requirements of Montville's Subdivision Ordinance, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this article conflict with specific provisions of the Subdivision Ordinance the provisions of this article shall prevail.
- B. Where a developer elects to create a mobile home park, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met.
- C. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all infrastructure, structures and their sites, including snow removal from all park roads and walkways and sanding where required. Park management shall conform to Maine State Laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- D. No manufactured housing may be sited within the Town of Montville, Maine without either a bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating such housing in this Town; or evidence of certification of payment of the sales tax in accordance with Title 36, M.R.S.A., Section 1760, Subsection 40 and Title 36, M.R.S.A., Section 1952-B. A copy of each document required for each housing unit shall be filed with the Code Enforcement Officer prior to the siting of said unit.

- E. Mobile home parks shall be specifically prohibited from areas with unsuitable soils; where terrain is too steep; where noisy, noxious, polluted or otherwise unsuitable conditions exist; within 300 feet of a numbered highway; in wetlands; in historic areas and in environmentally sensitive areas, as defined in Article XI, §3 of this Ordinance. Mobile home parks shall be prohibited on land that has soils vulnerable to the pollution of the aquifer as defined in Article VIII, §8-B.

§2 Lot Area, Lot Width and Lot Coverage

These requirements shall be the maximum allowed by Title 30, M.R.S.A. section 4358, currently as follows:

- A. Lots served by individual subsurface waste water disposal systems
 - Min. lot area.....20,000 square feet
 - Min. lot width.....100 feet
- B. Lots served by a central subsurface waste water disposal system located on a parcel designated solely for that purpose, maintaining 20 foot setbacks to all above and below ground construction, and approved by the Maine Department of Human Services or a licensed plumbing inspector:
 - Min. lot area.....12,000 square feet
 - Min. lot width.....75 feet
- C. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area. The overall density of the mobile home park shall be determined by the combined area of its mobile home lots plus the sum of the area required for road rights-of-way, the area required for buffer strips (if any), the open space area as defined in Article VIII, §5-A of this Ordinance.
- D. Non-rectangular lots shall be of a size and configuration capable of containing the Town minimum rectangular lot within their boundaries.
- E. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.
- F. All buildings on the mobile home lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

§3 Setback Requirements

- A. The following minimum unit setbacks shall apply to all homes and accessory buildings located in the mobile home park:
 - Front setback.....20 feet
 - Side setback.....20 feet
 - Rear setback.....10 feet
- B. So as to avoid monotony and sameness, the Planning Board may allow the front setback on a private road within the mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.
- C. On lots which abut a public way either within the park or adjacent to the park, all structures shall be setback 50' from the right-of-way.
- D. On lots which are located within a shoreland zoning district, structures shall meet the setback requirements and setback from high water mark requirements in the Shoreland Zoning Ordinance.

- E. The Planning Board may allow unit side yard setbacks to be reduced to 5 feet provided a distance of 40 feet is maintained between units for the purpose of providing more useable yard space on one side of a home.

§4 Buffering

- A. If a park is proposed with a residential density at least twice the density of existing development, or at least twice the density permitted in situations where neighboring land is undeveloped, the park shall be designed with a continuous landscape area not less than fifty feet in width, (or the maximum allowed by the Title 30, M.R.S.A. section 4358), free of all structures or streets.
- B. If a mobile home park contains or is adjacent to an existing borrow pit, in accordance with the D.E.P. Site Location & Development Law, chapter 375, a natural buffer strip at least 50 feet wide, plus 4 times the average percent slope must be maintained. If or when the pit is operational, a visual screen at least eight feet high in the form of planting or a wooden fence, shall be provided by the park owner. The screen shall be permanently maintained and any plant material which dies shall be replaced within one year.
- C. If the proposal park is affected by dust or odors which a majority of the Planning Board members deem unhealthy or offensive, the developer must take measures to eliminate the source of the dust or odor, reduce the level to the Board's satisfaction, or maintain a satisfactory distance from the source of the dust or odor.

§5 Open Space Reservation

For mobile home parks served by a public sewer:

- A. An area no less than 10% of the total area of the mobile home park lots shall be reserved as open space. The area reserved for open space shall be provided in parcels which the board deems to be useful in size, number and configuration, and shall be maintained and used for its stated purpose. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.
- B. At least 50% of the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park.
- C. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted in the application.
- D. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted. Plans for these areas shall be submitted in the application.
- E. The developer shall submit as part of the application, a copy of that portion of the proposed mobile home park rules, and a plan which specify how the open space is to be used and maintained, and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space and recreation.
- F. Reserved open space shall not be used for future mobile home lots.

§6 Road Design, Circulation, Traffic Impacts and Parking

Roads within a park shall be designed by a Professional Engineer, registered in the State of Maine.

- A. Roads which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for roads as detailed in Article VII of the Town of Montville, Subdivision Ordinance.
- B. Roads which the applicant proposes to remain private ways shall meet the following minimum design standards.
 - 1. For two way roads:
 - i. Minimum right of way width:.....23 feet
 - ii. Minimum width of traveled way:.....20 feet
 - 2. For one way roads:
 - i. Minimum right of way width:.....18 feet
 - ii. Minimum width of traveled way:.....14 feet
 - 3. Cul-de-sac turnarounds shall have a minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
 - 4. The surfacing of all private roads shall be constructed in accordance with Article VII, of the Town of Montville, Subdivision Ordinance.
 - 5. The park owner or management shall be responsible for snow removal and sanding on all park roads.
- C. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a professional engineer registered in the State of Maine with experience in transportation engineering.
- D. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two road connections with existing public roads. Any road within a park with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
- E. No individual lot within a park shall have direct vehicular access onto an existing public road.
- F. The intersection of any road within a park and an existing public road shall meet the following standards.
 - 1. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
 - 2. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - 3. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 ¼ feet.
 - 4. The center line of any road within a park intersecting an existing public road shall be no less than 125 feet from the center line of any other road intersecting that public road.
 - 5. No connection of a road within a mobile home park shall be made with any public road unless the public road meets or exceeds the standards for roads in Article VII of the Town of Montville, Subdivision Ordinance.

6. Where necessary to safeguard against hazards to traffic, pedestrians and/or to avoid traffic congestion, turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on public roads at the developer's expense.
- G. Each lot shall be legibly marked for identification, and easily accessible to emergency vehicles, permitting fire apparatus and emergency vehicles to approach within 100 feet.
 - H. Curvilinear roads shall be utilized within the park wherever possible. No road within the park shall be more than 200 feet long without a curve or bend of 5° or more.
 - I. All roads within the park and connecting with roads outside the park shall be marked with signs designating their name, appropriate safety and stop signs, and with appropriate lines and markings painted on them, all approved by the Road Commissioner. Proposed road names shall be approved by the Planning Board.
 - J. On-street parking shall be prohibited within the park unless an eight foot parking lane is provided in addition to the road width requirements of Article VIII, §7-B of this Ordinance, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
 - K. For each mobile home lot there shall be provided and maintained at least two hard surfaced off-street parking spaces. Each parking space shall contain a minimum of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided that supplies an equivalent number of parking spaces.
 - L. Guest and service parking shall be provided within the boundaries of the park at a ratio of one space for every four mobile home lots. Such parking shall be hard surfaced and the spaces shall be marked and reserved for that sole use. These parking spaces shall be off-street unless a parking lane is provided that supplies the equivalent number of spaces in addition to those required under Article VIII, §7-K.
 - M. The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be lit and adequately surfaced with 4" of hard surface. A portion of the road surface may be reserved for walkways provided the roadway width is increased and marked accordingly. Walkways shall be a minimum width of 3 feet. The park owner or management shall be responsible for snow removal on all park walkways.
 - N. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties. Lighting costs and maintenance are the responsibility of the park management.

§7 Ground Water Impacts

A. Assessment Submitted

Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a certified geologist or professional engineer registered in the State of Maine, experienced in hydrogeology and shall contain at least the following information.

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the mobile home park.
3. Drainage conditions throughout the mobile home park.
4. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
- B. Standards for Acceptable Ground Water Impacts
1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 2. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 3. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 4. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the nitrate-nitrogen, phosphate and other contaminate parameters in question to exceed 150% of the ambient concentration.
- C. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

§8 Conversion

No development or subdivision which is approved under this Ordinance as a mobile home park may be converted to another use or individual lots sold without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements.

§9 Preservation of Natural and Historic Features

The Planning Board shall require that the proposed park include a landscape and management plan that will show the preservation of scenic, historic or environmentally desirable areas or any areas identified by the Maine Critical Areas Program as rare and irreplaceable areas.

§10 Safety Standards

The standards in Article VIII, §11 shall apply to all manufactured housing built before June 15, 1976, or any manufactured housing not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park in the Town of Montville, Maine. The park owner shall have the burden of proving to the Code Enforcement Officer that these standards are met.

- A. Exit Facilities - Exterior Doors

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Homes shall have a minimum of two exterior doors not less than twelve feet from each other as measured in any straight line direction regardless of the length of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
3. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

B. Exit Facilities - Egress Windows and Devices

Mobile homes shall have the following emergency egress facilities:

1. Every room designated 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 AAMA 1704-1985.
2. The bottom of the window opening shall not be more than 36 inches 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 inches 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 smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:
 - i. 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 as close to the door as practical. 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.
 - ii. When located in hallways, the detector shall be between the return air intake and the living area.
 - iii. The smoke detector shall not be placed in a location which impairs its effectiveness.
 - iv. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
 - v. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall four inches to twelve inches below the ceiling. However, when a detector is mounted on an interior wall below a

sloping ceiling, it shall be located four inches to twelve inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

E. Flame Spread

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches 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, backsplashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 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 twelve horizontal inches 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 six inches from the outside edge of the cooking range shall be protected with at least 5/16 inch 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 three inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent limited combustible material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent limited combustible material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven at least as wide as the cooking range installed between the cabinet and the range, centered above the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches 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 underneath the furnace or water heater.

H. 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 provide a copy of written certification to the Montville C.E.O. indicating that the heating and fuel system meets the requirements of NFPA -31- Installation of Oil Burning Equipment as adopted by that Board.

I. Electrical System

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

§11 Sanitary Standards

A. Sewage Disposal

1. All water carried sewage shall be disposed of by means of one of the following:

- i. A centralized private sewer system located on one or more parcels of land designated solely for sewage treatment, maintaining 20 ft setbacks to all above and below ground construction, and approved by the State of Maine Department of Human Services.
- ii. Individual subsurface sewage systems located on soils approved by the local Plumbing Inspector and designed in accordance with State regulations.

B. Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

§12 Fire Protection

A. If the mobile home park is to contain 20 living units or more and the park is not served by a piped central or public water supply then the developer shall construct a pond or ponds with suitable dry hydrant(s) within ¼ mile of the proposed park to provide adequate water storage for fire-fighting purposes. An easement shall be granted to the Town of Montville, Maine granting access to and maintenance of the dry hydrant(s) where necessary. The Planning Board may waive this requirement only upon submittal of evidence that there is an existing pond with dry hydrant(s) within ¼ mile of the proposed mobile home park or that the soil types within ¼ mile of the proposed mobile home park will not permit their construction. The burden of proving this rests solely with the developer.

B. If the park is served by a piped central water supply then the developer shall install fire hydrants within the park at the rate of one hydrant for every six units or less.

§13 Storm Drainage

A storm drainage plan shall be prepared by a professional engineer licensed by the State of Maine showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm. Said storm drainage construction shall conform to the standards set forth in Article VII of the Town of Montville, Subdivision Ordinance.

§14 Storage

At least 294 cubic feet (for example, a utility building measuring approximately 6' wide by 7' long by 7' high or equivalent) of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

§15 Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations. State rules and regulations shall take precedence over local rules and regulations in the event there is a conflict.

§16 Signs

Signs and advertising devices shall be prohibited in the mobile home park except:

- A. One identifying sign at each entrance of the mobile home park no larger than 24 square feet which may be indirectly lit, but not flashing.
- B. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
- C. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to two signs per mobile home park.
- D. Mobile/manufactured home address signs.

The styles and location of the identifying sign shall not interfere with vehicle sight distance.

§17 Roof Loads

All homes to be located in the mobile home park with roofs added after manufacturing will require a professional engineer licensed in the State of Maine to inspect the roof to determine that the roof and home can withstand the extremes of the local weather and winds that may occur and certify such in writing.

ARTICLE IX - ENFORCEMENT

§1 Permits

- A. After approval of the final plan, and before any construction begins, the applicant shall apply for and receive all applicable permits as may be required by the Town, State, or Federal regulations, laws or ordinances regulating such developments and said permits. A copy shall be sent to the Board prior to construction.

§2 Construction Inspection

- A. At least five days prior to beginning each major phase of construction of required improvements, the developer or builder shall:
 - 1. Notify the Code Enforcement Officer in writing of the time when it is proposed to complete construction of the following phases of construction so that the Municipal Officers inspection can be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board:

- i. Roads and Walkways
 - ii. Septic and Drainage
 - iii. Utilities, Lighting and Signs
 - iv. Fire Pond, and Open Spaces, if required
 - v. Unit Siting, Buffers, and Utility Building Siting
2. Submit a fee to pay for the costs of inspection of each phase as listed in Article IX, §2-A1, i through v, of this Ordinance. The amount to be established by the Planning Board.
- B. If the inspecting official finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and specifications filed for the mobile home park, it shall be so reported in writing to the Selectmen, Planning Board, developer and owner of the mobile home park. The Selectmen shall take any steps necessary to preserve the rights of the Town of Montville, Maine.
- C. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this article in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Chairmen of the Planning Board. For major modifications, such as relocation of rights-of-way, property or lot boundaries, changes of grade by more than 1%, etc., the developer or owner shall obtain permission from the Planning Board in writing to modify the plans.
- D. Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Chairmen of the Planning Board at the expense of the applicant, certifying that the road(s) meet or exceed the design and construction requirements of this Ordinance.

§3 Violations

- A. No mobile home park plan shall be recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.
- B. No person, corporation or other legal entity may sell or rent or offer to sell or rent any land in a mobile home park which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. No public utility, shall serve any lot in a mobile home park for which a final Plan has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. No development of the infrastructure of a mobile home park may begin until Final Plan approval by the Planning Board and recording in the Registry of Deeds. Development includes the removal of trees, rocks or soil, the grading and construction of roads, the grading of lots, utility installations, siting of mobile homes, and construction of buildings.
- E. No lot shall be rented until the entire project is constructed as approved by the Planning Board.

§4 Park Plan Amendments After Approval

No changes, erasures, or modifications shall be made on a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of an amendment to an existing

mobile home park, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original mobile home park, or unless the change constitutes a new mobile home park. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void, and the Planning Board may institute proceedings to have the plan stricken from the Registry of Deeds.

§5 Enforcement

The Code Enforcement Officer or the Selectmen of the Town of Montville, Maine, upon finding that any provisions of this Ordinance or the conditions of any approval(s) is being violated, are authorized to institute legal proceedings to enjoin violations of this Ordinance.

§6 Penalties

Any person, firm or corporation being the owner or having control or use of any residential building or infrastructure constructed or placed in violation of any of the provisions of this Ordinance shall be fined in accordance with the penalty provisions of Title 30-A, M.R.S.A., Section 4452.

ARTICLE X - PERFORMANCE GUARANTEES

§1 Applicability of Article X

The provisions of this article shall be in lieu of the Performance Guarantee requirements of the Subdivision Ordinance.

Types of Guarantees

With submittal of the application for Final Plan approval, the developer 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:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account; or
- B. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the mobile home park, from which the Town may draw if construction is inadequate, approved by the Selectmen.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Code Enforcement Officer, Road Commissioner, Selectmen, and/or Town Attorney.

§3 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 the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

§4 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the municipality 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 developer and the amount withdrawn to complete the required improvements.

§5 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 developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the mobile home park for which approval is sought.

§6 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the mobile home park and may not be used for any other project or loan.

§7 Phasing of Development

The Board may require or approve plans to develop a mobile home park in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed mobile home park street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

§8 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the inspecting official 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.

§9 Default

If, upon inspection, the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the developer or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

§10 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required by this Ordinance, as well as any other improvements required by the Board.

ARTICLE XI - DEFINITIONS

§1 Construction of Language

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

§2 Relationship to Other Town Ordinances

Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.

§3 Definitions:

Board of Appeals: The Appeals Board of the Town of Montville, Maine as created by 30, M.R.S.A. 4954.

Body of Water: Shall include the following:

- A. Pond or Lake: any inland impoundment, natural or human-made, which collects and stores surface water.
- B. Stream or River: a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.

Code Enforcement Officer: A person appointed by the Selectmen of the Town of Montville, Maine to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Driveway: A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Environmentally sensitive areas: Wetlands, swamps, eskers, wildlife habitat areas (per Title 38, M.R.S.A., section 343), prime agricultural areas, areas with steep slopes, areas with poorly drained soils, and flood plain areas (subject to a 100 year flood).

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Frontage: The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. A way accepted by or established as belonging to the Town of Montville, Maine, or the State of Maine, provided access is not specifically prohibited.
- B. A road way, whether dedicated to public ownership or not, as shown on an approved mobile home park plan.

Hard surfaced: A covering for roads and walkways comprising any hard material such as packed gravel, pea stone, asphalt, concrete, or paving blocks but not including sand, soil, clay, loam, or wood.

Lot: (see "Mobile Home Park Lot")

Lot Area: The total horizontal area within the lot lines.

Lot Coverage: A percentage of the total horizontal area within the lot lines.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing Unit: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this section, two types of manufactured housing are included. These two types are:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
- B. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. The Planning Board may require a lot to be designated on a mobile home park plan.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units in a manner approved by the Planning Board.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board designed and/or used to accommodate three or more manufactured housing units on individually owned lots.

M.R.S.A.: The abbreviation for Maine Revised Statutes, Annotated, the definitive source for all state statutes as published and updated by the State of Maine.

Noise Conditions: Consistent with the D.E.P. Site Location & Development Law, chapter 375, noisy conditions shall be defined as sound levels greater than 45 dB during the hours between 6 p.m. and 6 a.m. and greater than 55 dB during the hours of 6 a.m. and 6 p.m.

Normal High Water Mark of Inland Waters: That line on the shores and banks of nontidal water which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation included but is not limited to the following plants and plant groups, upland grasses, aster, lady slipper, wintergreen, partridgeberry, sasaparilla, pines, cedars, oaks, ash, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark shall be estimated from places where it can be determined by the above method.

Planning Board: The Planning Board of the Town of Montville, Maine as created by 30, M.R.S.A. 4952.

Road: Public and private ways such as alleys, avenues, boulevards, highways, roads, streets, lanes and other rights-of-way, as well as areas on mobile home park plans designated as rights-of-way.

Road Commissioner: The elected officer of the Town of Montville, Maine in charge of the roads of said Town.

Selectmen: The primary elected officers of the Town of Montville, Maine.

Setback: The horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure.

Subdivision Ordinance: The Town of Montville, Maine Subdivision Ordinance as adopted 3 December 1988 by the Town, including its subsequent amendments.

§: A symbol used by legislating bodies or entities meaning "section".

Undue Hardship:

- A. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
- B. That the granting of a variance will not alter the essential character of the locality; and
- C. That the hardship is not the result of action taken by the applicant or a prior owner.

Variance: A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless all elements are present in the case.

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