

**TOWN OF BETHEL  
SECRET BALLOT ELECTION  
AND  
TOWN MEETING WARRANT**

Tuesday, June 11, 2024  
and  
Wednesday, June 12, 2024

**Secret Ballot Election June 11, 2024, from 8:00 a.m. to 8:00 p.m.  
American Legion Mundt-Allen Post 81  
85 Vernon Street, Bethel, Maine**

>>>>>>>>>>>>>>>>

Town Meeting June 12, 2024  
6:00 p.m.  
Crescent Park School Gymnasium  
19 Crescent Street, Bethel, Maine



Article 6. To see if the Town will vote to amend Chapter 140 Site Plan Review, §140-12 Word usage and definitions: B. Half Story.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 7. 1) To see if the Town will vote to amend Chapter 5 Administration, Article II Board of Selectmen: §5-13 Approval of wastewater treatment and airport budgets; Article III Town Manager §5-20 Annual budget and capital plan; Article IV Departments §5-33 Airport Department; Article V Financial Procedures §5-36 Types of Funds.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 8. To see if the Town will vote to amend Chapter 46, Part 1 Adult Use, Article I Cannabis Establishments: §46-1 Purpose and Authority; §46-2 Definitions; §46-3 Building permit requirements; §46-4 Permit required; §46-5 Permit application; §46-6 Suspension or revocation of permit; §46-7 Appeals; §46-8 Right of access; §46-9 Indemnification; §46-10 Compliance with state law required; §46-11 Amendments; §46-12 Enforcement; violations and penalties; §46-13 Severability; §46-14 When effective.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 9. To see if the Town will vote to amend Chapter 136 Signs §136-5 General restrictions.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 10. To see if the Town will vote to approve LD 2003 Amendments to Chapter 140 Site Plan Review, §140-3 Applicability; §140-7 Special regulations; §140-12 Word usage and definitions.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 11. To see if the Town will vote to approve LD 2003 Amendments to Chapter 150 Subdivision (25) Subdivision with affordable housing.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 12. To see if the Town will vote to approve pursuant to 30-A M.R.S.A. §3004, the ordinances of the Town of Bethel of a general and permanent nature adopted by the Town Meeting of the Town of Bethel, as revised and codified and consisting of Chapters 1 through 160, are hereby approved, adopted, ordained and enacted as the Code of the Town of Bethel, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 2003 Code, as amended, and supplemented.

(The proposed amendment is available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting)

Article 13. Shall the Town of Bethel (the "Town")

- (1) Appropriate the sum of up to \$2,000,000 to cover additional costs associated with the Wastewater Treatment Facility Upgrades Project that was approved at a Special Town Meeting held on April 14, 2023 (the "Project"); and
- (2) Authorize the Town Treasurer and the Chairman of the Select Board to apply for a grant and/or loan and accept a grant and/or loan from the United States Department of Agriculture ("USDA") in the amount of up to \$2,000,000 in order to fund the additional costs of the Project; and
- (3) Delegate to the Treasurer and the Chairman of the Select Board the authority and discretion to negotiate the terms of any loans received from the USDA on behalf of the Town.

Article 14. To see if the Town will vote to raise and appropriate the sum of \$291,144 for the Administration Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$243,650

Article 15. To see if the Town will vote to raise and appropriate the sum of \$176,732 for the Town Clerk Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$180,261

Article 16. To see if the Town will vote to raise and appropriate the sum of \$35,000 for the Assessor Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$57,048

Article 17. To see if the Town will vote to raise and appropriate the sum of \$123,707 for the Finance Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$128,521

- Article 18. To see if the Town will vote to raise and appropriate the sum of \$66,500 for the Planning, Development and CEO Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$90,085
- Article 19. To see if the Town will vote to raise and appropriate the sum of \$14,829 for the Animal Control Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$8,500
- Article 20. To see if the Town will vote to raise and appropriate the sum of \$573,450 for the Police Department (Oxford County Sheriff Services).  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$422,904
- Article 21. To see if the Town will vote to raise and appropriate the sum of \$305,730 for the Fire Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated: \$270,761
- Article 22. To see if the Town will vote to raise and appropriate the sum of \$473,536 for the Ambulance Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$411,294
- Article 23. To see if the Town will vote to raise and appropriate the sum of \$825,955 for the Solid Waste Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$670,969
- Article 24. To see if the Town will vote to raise and appropriate the sum of \$768,710 for the Public Works Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$782,558
- Article 25. To see if the Town will vote to raise and appropriate the sum of \$25,585 for the Town Office Facility.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$28,925
- Article 26. To see if the Town will vote to raise and appropriate the sum of \$29,175 for the Fire Station Facility.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$29,760

- Article 27. To see if the Town will vote to raise and appropriate the sum of \$17,300 for the Town Garage Facility.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$28,600.
- Article 28. To see if the Town will vote to raise and appropriate the sum of \$19,395 for the Ambulance Building Facility.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$29,180
- Article 29. To see if the Town will vote to raise and appropriate the sum of \$4,000 for General Assistance.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$3,000.
- Article 30. To see if the Town will vote to raise and appropriate the sum of \$75,220 for the Recreation Department.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$67,260
- Article 31. To see if the Town will vote to raise and appropriate the sum of \$14,320 for Angevine Park.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$13,623
- Article 32. To see if the Town will vote to raise and appropriate the sum of \$18,030 for the Fountain, Park, and Cemetery.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$30,550
- Article 33. To see if the Town will vote to raise and appropriate the sum of \$1,000 for the 5<sup>th</sup> Grade Trip to Boston.  
Select Board Recommends \$500  
Budget Committee Recommends \$1,000  
Last Year Appropriated \$1,000
- Article 34. To see if the Town will vote to raise and appropriate the sum of \$20,500 for the Bethel Library.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$20,500
- Article 35. To see if the Town will vote to raise and appropriate the sum of \$15,000 for the Museums of the Bethel Historical Society for operations.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$15,000

- Article 36. To see if the Town will vote to raise and appropriate the sum of \$600 for the Museums of the Bethel Historical Society for a band for the July 4<sup>th</sup> Picnic.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$600
- Article 37. To see if the Town will vote to raise and appropriate the sum of \$19,520 for the Food Pantry District Exchange.  
Select Board and Budget Committee Recommend \$10,000  
Last Year Appropriated \$25,256
- Article 38. To see if the Town will vote to raise and appropriate the sum of \$5,000 for the Bethel Area Chamber of Commerce for Summerfest & Fireworks.  
Select Board and Budget Committee Recommend \$500  
Last Year Appropriated \$5,000
- Article 39. To see if the Town will raise and appropriate the sum of \$4,000 for the Bethel Area Chamber of Commerce for Holiday Village Decorations.  
Select Board and Budget Committee Recommend \$0.00  
Last Year Appropriated \$4,000
- Article 40. To see if the Town will vote to raise and appropriate the sum of \$1,000 for Project Graduation.  
Select Board and Budget Committee Recommend \$500  
Last Year Appropriated \$0
- Article 41. To see if the Town will vote to raise and appropriate the sum of \$1,000 for the Age Friendly Community Initiative (AFCI).  
Select Board and Budget Committee Recommend \$1,000  
Last Year Appropriated \$1,000
- Article 42. To see if the Town will vote to raise and appropriate the sum of \$900 for Bethel Area Arts & Music (BAAM)  
Select Board and Budget Committee Recommend \$0.00  
Last Year Appropriated \$850
- Article 43. To see if the Town will vote to raise and appropriate the sum of \$500 for the Cancer Center of Western Maine.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$500
- Article 44. To see if the Town will vote to raise and appropriate the sum of \$2,212 for Androscoggin Home Healthcare.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$2,500

- Article 45. To see if the Town will vote to raise and appropriate the sum of \$4,000 for Seniors Plus  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$4,000
- Article 46. To see if the Town will vote to raise and appropriate the sum of \$4,900 for Community Concepts.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$4,900
- Article 47. To see if the Town will vote to raise and appropriate the sum of \$45,100 for Municipal Property & Casualty Insurance.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$56,513

- Article 48. To see if the Town will vote to raise and appropriate the sum of \$648,658 for Employee Benefits.

Health Insurance	\$337,970
Worker's Compensation	\$ 43,000
Unemployment Insurance	\$ 1,000
Social Security/FICA	\$108,073
MEPERS Retirement	\$ 91,235
Flexible Spending Account	\$ 7,000
FD Accident & Sickness Ins.	\$ 1,680
Health Reimbursement Account	\$ 56,000
Benefits Oversight HRA & FSA	<u>\$ 2,700</u>
	\$648,658

Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$548,481

- Article 49. To see if the Town will vote to raise and appropriate the sum of \$100,460 for Debt Service.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$100,151

- Article 50. To see if the Town will vote to raise and appropriate the sum of \$305,987 for the Airport Department pending action on Article 7.  
Select Board and Budget Committee Recommend Approval

*Or*

To see if the Town will vote to approve the FY 2025 Airport Budget in the amount of \$305,987 pending action on Article 7.  
Select Board and Airport Authority Recommend Approval



- Article 51. To see if the Town will vote to appropriate and spend the overlay generated during the 2025 fiscal year to pay for tax abatements.
- Article 52. To see if the Town will vote to authorize the Select Board or the Town Manager, acting in concurrence with said Select Board, to accept and expend, on behalf of the Town, Federal and/or State funds which may be received, from time to time, in the form of grants or for any other purpose, including, but not limited to Municipal Revenue Sharing, Local Road Assistance, State Aid to Education, State Aid per capita, Civil Emergency Funds, Snowmobiling Registration money, Tree Growth Reimbursement money, General Assistance Reimbursement, Community Development Block Grant (CDBG), Economic Development Administration (EDA) grants, Federal Emergency Management Administration (FEMA) grants, Northern Border Regional Commission (NBRC) grants, U.S. Fire Administration grants, and to act on anything relative thereto.
- Article 53. To see if the Town will vote to authorize the Treasurer to waive the foreclosure of a tax lien mortgage by recording a waiver of foreclosure at the Registry of Deeds in which the tax lien certificate is recorded prior to the expiration of the right of redemption pursuant to 36 M.R.S. §944 upon a finding by the Select Board that ownership of the property that is subject to the tax lien mortgage would be contrary to the Town's best interest.
- Article 54. To see if the Town will vote to authorize the Select Board to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S. § 2953.
- Article 55. To see if the Town will vote to establish the rate of interest at 4.5% for those who have received an abatement or have overpaid their taxes for the fiscal year 2024-2025 pursuant to 36 M.R.S. §506-A.
- Article 56. To see if the Town will permit the Tax Collector or the designee to waive unintentional tax interest payment shortages in an amount not to exceed \$5.00.
- Article 57. To see if the Town will vote to authorize the Tax Collector to accept prepayments of taxes not yet committed and to pay no interest on those prepayments in accordance with 36 M.R.S. §506.
- Article 58. To see if the Town will vote to authorize the Select Board to spend unexpended, Fiscal Year 2024 and any other previous years, Capital Improvement Road Funds, to fund remaining projects on the Road Improvement List.

Article 59. To see if the Town will vote to raise and appropriate the sum of \$875,500 for Capital Improvements.

PWD Truck Reserve	\$ 50,000
PWD Garage Upgrade	\$ 50,000
Revaluation Reserve	\$ 50,000
Records Restoration	\$ 1,500
Ambulance & Equipment	\$ 50,000
Rescue Garage Land	\$ 10,000
Fire Tanker Reserve	\$ 75,000
Fire Utility Vehicle	\$ 25,000
Office Equipment	\$ 10,000
Resurface Basketball Court	\$ 15,000
Cole Block Building Upgrade	\$ 40,000
Sidewalk Tractor	\$125,000
Pave Tire & Can Overflow T/F	\$ 54,000
Barker Rd Shim & Overlay	\$110,000
Annis Rd Shim & Overlay	\$ 40,000
Mountain View Circle Shim & Overlay	\$ 30,000
Liberty Lane Shim & Overlay	\$ 10,000
Fleming Road Shim & Overlay	\$ 15,000
Bethel Inn Drive Shim & Overlay	\$ 10,000
Park St Shim & Overlay	\$ 25,000
Carver Road Base & Surface	\$ 10,000
Davis Road Base & Surface	\$ 35,000
Crack Sealing	\$ 10,000
Sidewalk Maintenance	\$ 15,000
Drainage Improvements	<u>\$ 10,000</u>
	\$875,500

Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$1,213,500

Article 60. To see if the Town will vote to appropriate the franchise fees received from the cable companies to Western Hills Access Television (W.H.A.T.) for broadcasting and upgrading its current infrastructure.

Note: Estimated Fiscal Year 2025 \$17,000.00

Article 61. To see if the Town will appropriate 100% of the snowmobile refund check for the purpose of maintaining snowmobile trails by the Bethel Snowtwisters Club, such maintenance to be performed only with the landowners' permission and only on trails that are open for public use.

Note: Estimated Fiscal Year 2025 \$1,100.00

- Article 62. To see if the Town will vote to re-appropriate \$10,000 from the Cemetery Restoration Account to the Cemetery Reserve Account.
- Article 63. To see if the Town will ratify that there are no overdrafts itemized by department for the current fiscal year 2024.
- Article 64. To see if the Town will appropriate from undesignated fund balance the overdrafts to Town Accounts as of June 30, 2024.
- Article 65. To see if the Town will vote to appropriate the sum of \$400,000 from its undesignated fund balance to reduce the FY2025 property tax commitment.  
Select Board and Budget Committee Recommend Approval  
Last Year Appropriated \$300,000
- Article 66. To see if the Town will accept *estimated* federal, state, and local non-property tax revenues, and undesignated donations, to reduce the FY2025 property tax commitment, as described below.

<u>Category</u>	<u>Estimated 2025</u>	<u>Category</u>	<u>Estimated 2025</u>
Tax Penalties	\$ 1,000	Auto Excise	\$700,000
Boat Excise	\$ 2,500	Excise Fees	\$ 3,000
Town Clerk Fees	\$ 6,000	Auto Reg Fees	\$ 16,000
RV Reg Fees	\$ 700	Street Opening	\$ 100
Plumbing Permits	\$ 10,000	Building Permits	\$ 10,000
Sign Permits	\$ 100	Snow Removal	\$ 4,000
Cannabis Permits	\$ 5,000	LRAP	\$ 70,412
General Assistance	\$ 3,000	Veteran's Exempt	\$ 1,000
Tree Growth	\$ 25,000	Renewable Energy	\$ 21,848
Copy Fees	\$ 100	Planning Board Fees	\$ 1,200
Miscellaneous	\$ 600	AV Gas	\$120,000
Animal Control Fees	\$ 700	Fire Service Fees	\$ 31,000
Solid Waste Fees	\$ 6,500	Ambulance Fees	\$ 10,300
Ambulance Revenues	\$150,000	Solid Waste Service	\$200,000
Recycling Fees	\$ 10,000	Recreation Fees	\$ 12,000
PW Services/Rev	\$ 1,000	WWTP Loan Payment	\$ 15,800
Interest on Taxes	\$ 15,000	Investment Interest	\$ 40,000
Cole Block Rent	\$ 6,480	Other Misc	\$ 20,000
Gould-In Lieu of Taxes	\$ 11,000	ME Energy Mortgage	\$ 41,388
Hangar Leases	\$ 6,900	<b>Total</b>	<b>\$1,579,628</b>



**§ 5-42. Town Manager and Finance Officer approval. [Amended 6-14-2023]**

- A. The Town Manager and Finance Officer shall approve all disbursements from all funds of the Town, prior to review by the Selectmen.
- B. ~~All purchases, contracts, agreements and so forth which obligate the Town to an aggregate expense for a singular purpose exceeding \$1000, and to a maximum of \$10,000, shall be subject to approval of the Town Manager prior to execution. The Town Manager shall not obligate the Town for any general fund purchase, contract or agreement without previous appropriation at Town Meeting.~~

Jessica Grover  
Attested Copy Town Clerk

4/17/24  
Date

**§ 5-47 Sale or disposition of tax- or sewer-acquired properties.**

**A. Upon order of the Select Board that a sale process shall be conducted for real property which the Town has acquired for nonpayment of taxes or sewer fees, the former owner, according to tax records, shall be notified by certified mail that said process has been ordered and that the owner has 30 calendar days from the date of receipt of the notice to pay all back taxes, sewer fees, accrued interest, lien fees, mailing fees and administrative fees and a penalty of \$300 in order to receive quitclaim title from the Town. Full payment must be made to the Town in cash or certified check.**

**B. If the former owner(s) does not pay back all required taxes, sewer fees, accrued interest, lien fees, mailing fees and administrative fees and a penalty of \$300 within 30 calendar days of receiving notice, the Select Board may elect to continue the sale process. The sale of tax/sewer acquired property held by the Town, including property that had been held by the town for a period exceeding 10 years from original foreclosure date, must conform to the requirements of 36 M.R.S. §943-C, including, but not limited to:**

- i. providing written notice, at least 90 days prior to any sale, to the last known address of the former owner of the right to require the sale processes outlined in 36 M.R.S. §943-C (3). Notice must be provided via United States Postal Service certified mail, first class, with a return receipt requested.**
- ii. ensuring that, if the former owner submits a written demand within 90 days of notification, the municipal officers or their designee:**
  - a. list the property for sale with a licensed real estate broker who is not employed by, or hold an elected or appointed office in, the Town;**
  - b. sell the property via quitclaim deed to the successful buyer at the highest price the property is able to sell for, or at the price the property is anticipated by the real estate broker to sell within 6 months after listing; and**
  - c. pay to the former owner any sale proceeds in excess of funds statutorily reserved for the Town.**

**C. If, pursuant to Section B above, the former owner(s) of the property does not require the municipality to use the sale process outlined in 36 M.R.S. §943-C(3), the Select Board may sell any real property which the Town may acquire for nonpayment of taxes or sewer fees through a sealed bid process, conducted at the discretion of the Select Board. The Select Board shall have the right to retain for any purpose and on behalf of the Town any property deemed to be in the Town's interest.**

**D. If, pursuant to Section B above, the former owner(s) of the property does not require the municipality to use the sale process outlined in 36 M.R.S. §943-C(3), notice of tax- and sewer-acquired properties for sealed bid sale shall be advertised in a minimum of two consecutive**

editions each in two local newspapers. Bids shall be publicly received and opened not less than 25 nor more than 35 days after initial advertisement.

E. The Select Board, at their next regular meeting after bid opening, shall consider bids and take whatever action is deemed in the Town's interest. In the event a bid is accepted, the Town shall issue a quitclaim deed upon receipt of the bid amount in cash or certified check. Any sales proceeds in excess of funds statutorily reserved for the Town under 36 M.R.S. § 943-C(3)(C) must be paid to the former owner.

F. Notwithstanding Section A above, in lieu of the sale of tax- or sewer-acquired properties, the Select Board shall be authorized to enter into a payment plan with the former owner(s) on terms deemed acceptable to the Town.

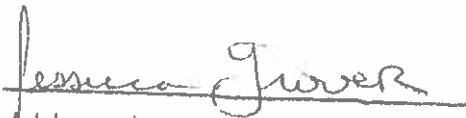
Jessica Traver  
Attested Copy Town Clerk

4/22/24  
Date

§ 5-59 Conservation Commission.

Code/Ch5: Administration/Ch 5 Art VI: Boards, Committees and Authorities

- A. There shall be a five-member Conservation Commission. Members shall be appointed by the Selectmen ~~Board~~ for three-year staggered terms commencing in January. Each member shall be a registered voter of the Town of Bethel throughout his/her ~~their~~ tenure on the Conservation Commission.
- B. The Conservations Commission shall carry out activities and serve as the advisory body for the protection, ~~education about~~, development and use of natural resources located within the corporate boundaries of Bethel. [Amended 6-13-2001]
- C. The Conservation Commission shall be authorized to investigate potential acquisition of land, or land interests, consistent with its charge described in Subsection B. All such acquisitions shall be subject to approval by the Selectmen ~~Board~~ and subject to Town Meeting approval.
- D. The Conservation Commission shall ~~conduct~~ ~~conducts~~ its meetings, and operate, in accordance with rules or procedure approved by the ~~Select Board~~ Selectmen.

  
Attested Copy  
Jessica Grover  
Town Clerk

3/7/26  
Date



§ 140-12. Word usage and definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

**Half-Story** – The portion of a building between the top floor and a sloping roof with at least 2 opposite exterior walls meeting the sloping roof not over 3 feet above such floor level.

Jessica Grover  
Attested Copy  
Jessica Grover

3/6/24  
Date

Amendments to Part 1, Administrative Legislation: Chapter 5 Administration

§ 5-13 Approval of wastewater treatment ~~and airport~~ budgets.

The ~~Selectmen~~ Select Board shall serve as the approval authority for the Wastewater Treatment Department ~~and Airport Department~~ budgets in accordance with provisions outlined in this chapter.

§ 5-20 Annual budget and capital plan.

C. Not later than the first regular meeting of the ~~Board of Selectmen~~ Select Board in June of each year, the Town Manager shall propose to the ~~Board of Selectmen~~ Select Board a comprehensive operating budgets and capital plans for the Wastewater Treatment Department ~~and Airport Department~~ for the coming fiscal year. [Amended 6-14-2006]

D. The Town Manager shall be accountable to the ~~Selectmen~~ Select Board for proper administration of the wastewater treatment ~~and airport~~ budgets upon ~~their~~ its adoption.

§ 5-33 Airport Department.

~~B. All costs incurred by this Department shall be met solely through operation of an airport fund. The fund's revenue sources shall be limited to moneys derived from airport related activities, sales of parcels of the Bethel Industrial Park, rental of properties at the Bethel Industrial Park, governmental grants and private donations. Subject to Town Meeting approval, moneys shall be annually transferred from the Town of Bethel general fund to the airport fund in an amount that is at least equal to the amount of taxes levied on real and personal property located within the airport perimeter fence in the previous fiscal year. [Amended 6-11-2003]~~

B. Operational, maintenance, and capital costs of the airport shall be considered general fund expenditures. Revenues received from airport related activities shall be considered general fund revenues.

~~C. The fiscal year of the Department shall run from July 1 through June 30. An annual departmental budget, with balancing revenue and expenditure statements, shall be subject to~~

~~approval by the Airport Authority and Board of Selectmen before any portion of it may be implemented. [Amended 6-11-2003]~~

~~D. Approval of expenditures and grants. [Amended 6-14-2006]~~

The acceptance of all airport related grants to include grants which may be offered by the Federal Aviation Administration, State of Maine or County of Oxford, shall be subject to Town Meeting approval.

~~(1) At any time the aggregate expenditure of the Department in a single fiscal year is proposed to exceed \$175,000, then the entire budget for that fiscal year shall be subject to both Selectmen's approval and Town Meeting approval.~~

~~(2) Receipt of federal and state grants and their related appropriation, exceeding \$25,000 in the aggregate in any fiscal year, shall be subject to Town Meeting approval.~~

~~E. The Airport Authority shall only be empowered to enter into purchases, leases, contracts or agreements where the value of each action does not exceed \$10,000 and the term of said action does not exceed one year in length. All actions exceeding either of these limits shall require approval of the Board of Selectmen. [Amended 6-11-2003; 6-14-2006]~~

*(editor's note: Section C and E is repealed without replacement language)*

§ 5-36 Types of funds.

A. There shall be ~~three~~ two permanent funds operated by the Town, the general fund, ~~airport fund~~ and wastewater fund. However, only the general fund shall be permitted to receive and disburse moneys from property taxation, unless otherwise approved at a Town Meeting. Other permanent funds may be established through action of Town Meeting.

B. ~~The airport and wastewater funds shall be operated in accordance with provisions described in §§ 5-33 and 5-34. respectively.~~

C. All revenues and appropriations of the general fund (or municipal budget) shall be subject to Town Meeting approval. The revenues and appropriations, as stated in a separate budgets, of the ~~airport and wastewater funds~~ shall only be subject to approval of the ~~Selectmen~~ Select Board, unless otherwise directed by this chapter.

SUMMARY

*These amendments formally establish that costs and revenues associated with the Bethel Regional Airport are components of the Town's general fund (municipal) budget.*

Jessica Grover

Attested Copy      Town Clerk  
                                 Jessica Grover

2/22/24

Date

## Article I Cannabis Establishments

### **§ 46-1 Purpose and authority.**

The purpose of this article is to regulate the permitting and operation of cannabis establishments within the Town of Bethel, as authorized by the Cannabis Legalization Act, 28-B M.R.S.A. § 101 et seq. and the Maine Medical Use of Marijuana Act, 22 M.R.S.A. § 2421 et seq., including all regulations or amendments thereto. The Town reserves the right for additional siting and permit requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S.A. § 3001 et seq.

### **§ 46-2 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **ADULT USE CANNABIS CULTIVATION FACILITY**

A facility licensed by the State of Maine to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

#### **ADULT USE CANNABIS MANUFACTURING FACILITY**

A facility licensed by the State of Maine to produce, blend, infuse, compound or otherwise prepare cannabis and cannabis products, including but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

#### **ADULT USE CANNABIS RETAIL STORE**

A facility licensed by the State of Maine to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers.

#### **ADULT USE CANNABIS TESTING FACILITY**

A facility licensed by the State of Maine to develop, research and test cannabis, cannabis products and other substances.

#### **CANNABIS ESTABLISHMENT**

An Adult Use Cannabis Cultivation Facility, Adult Use Cannabis Manufacturing Facility, Adult Use Cannabis Retail Store, Adult Use Cannabis Testing Facility, Medical Cannabis Caregiver Retail Store, Medical Cannabis Cultivation Facility, Medical Cannabis Dispensary, Medical Cannabis Manufacturing Facility, or Medical Cannabis Testing Facility.

#### **LICENSE**

A license issued by the State of Maine to operate a cannabis establishment.

**MEDICAL CANNABIS CAREGIVER RETAIL STORE**

A storefront operated by a licensed medical cannabis caregiver, which is operated in a facility separate from her/his personal address for the purpose of selling medical cannabis and related products to qualifying patients.

**MEDICAL CANNABIS CULTIVATION FACILITY**

A facility licensed to cultivate, prepare, and package medical cannabis at a location that is not the residence of the registered caregiver or qualifying patient.

**MEDICAL CANNABIS DISPENSARY**

A dispensary authorized under state law to cultivate and dispense medical cannabis to qualifying patients and caregivers.

**MEDICAL CANNABIS MANUFACTURING FACILITY**

A facility licensed by the State of Maine to produce, blend, infuse, compound, or otherwise prepare cannabis and cannabis products, including but not limited to, cannabis extraction or preparation by means of chemical synthesis. Manufacturing or manufacture does not include cultivation or testing.

**MEDICAL CANNABIS TESTING FACILITY**

A public or private laboratory authorized under state law to test medical cannabis for contamination, potency or cannabinoid profile.

**PERMIT**

A document issued by the Town officially authorizing an applicant to operate a cannabis establishment.

**TOWN**

Town of Bethel.

**§ 46-3 Building permit requirements.**

- A. Planning Board review. The Bethel Planning Board shall review all applications for building permits for the construction of a new cannabis establishment or permission for the change of use of an existing building to a cannabis establishment.
- B. Buffer strip. The Planning Board may require a buffer strip of a minimum of 75 feet and up to 150 feet between an adult use cannabis manufacturing facility or medical cannabis manufacturing facility and abutting land where the Planning Board deems that separation is desirable. The developer shall notify prospective buyers of the existence of these adjacent activities by noting them on recorded plans.
- C. The Planning Board shall consider compliance with all state regulations and all

requirements of the Office of the State Fire Marshal regarding inherently dangerous or hazardous substances. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or commercial product that has a flash point at or lower than 38° C. or 100° F., including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" includes any form of alcohol or ethanol.

- D. The Planning Board shall consider the proper and environmentally safe disposal of all manufacturing by-products. "Cannabis manufacturing by-products" means water and other wastes generated by any manufacturing process.
- E. Signage. All signage shall meet the requirements of Chapter 136 Sign Ordinance of the Town and the State of Maine rules regarding advertising of cannabis establishments.
- F. Security. Security requirements for a cannabis establishment shall include:
  - (1) Lockable doors and windows to include intrusion alarms with audible notification components sending notification directly to the owner or through a second party to the Oxford County Sheriff's Department or other Maine law enforcement agency.
  - (2) Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording 24 hours per day, seven days per week, and such records of surveillance shall be retained for a minimum duration of 30 days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
  - (3) Exterior lighting in compliance with Town ordinance.
  - (4) Security requirements for outdoor growing facilities shall meet the state requirements for fencing and security.
- G. Permanent location. Each cannabis establishment shall be operated from a permanent location. No cannabis establishment shall be permitted to operate from a movable, mobile, or transitory location.
- H. Ventilation. Any indoor operation of a cannabis establishment shall meet the minimum state requirements for ventilation.
- I. Odors. The applicant must submit an odor control plan. The Planning Board will review the plan for compliance with any State of Maine regulations as well as the odor standards in the Bethel Site Plan Review Ordinance § 140-8.1B(25).

**§ 46-4 Permit required.**

A. Any person operating a cannabis establishment within the Town must obtain a permit, which shall be reviewed pursuant to the requirements set forth in this article and State laws and regulations. Issuance of a conditional license by the state for an adult use cannabis establishment or registry identification card by the state for a medical cannabis establishment shall be considered evidence of compliance with state requirements.

B. All permits for cannabis establishments shall require review and approval by the Bethel Town Select Board. The Select Board will only consider applications which have received a conditional license (for adult use cannabis establishments) or registry identification card (for medical cannabis establishments) from the State of Maine.

C. Permits are valid for one year.

D. Permits will only be issued for a cannabis establishment that is located no less than 1,000 feet from the property line of a preexisting private or public school, state-licensed day-care center, public athletic field, public park, playground or recreational facilities.

E. Permits shall be kept current at all times.

F. The applicant must be at least 21 years of age.

G. Permits shall be posted in a conspicuous location at the cannabis establishment.

H. Cannabis establishment permits are not transferable.

I. Upon receipt of an application for a new permit or renewal, the Town Selectmen shall review the application for approval within 45 days after receipt of the completed application.

J. Incomplete, false or misleading applications will not be processed.

K. No adult use cannabis establishment shall begin operations until the permittee receives an active license for the facility by the State of Maine.

L. Initial and renewal permit fees charged under this article will be in accordance with the Town of Bethel fee schedule. All fees are nonrefundable and due upon receipt of the approved application.

**§ 46-5 Permit application.**

A person seeking a permit or renewal of a permit issued pursuant to this article shall submit an application to the Town Clerk on approved forms provided by the Town. Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use cannabis establishment may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the cannabis establishment.

A. The applicant shall present one of the following forms of identification upon submission of an application to operate a cannabis establishment:

- (1) A valid motor vehicle operator's license.
- (2) A current identification card.
- (3) A United States military identification card.



- (4) A valid passport or Nexus card.
- B. The applicant shall provide the following information for all persons having a ten-percent financial interest or more in the cannabis establishment.
  - (1) Name, address, and date of birth.
  - (2) Acknowledgment and consent that the State of Maine has conducted a background investigation, including a criminal history check.
- C. The applicant shall provide sufficient documentation to demonstrate ownership of the proposed permitted premises or possession or entitlement to possession of the premises pursuant to a lease, rental agreement, or other arrangement.

**§ 46-6 Suspension or revocation of permit.**

- A. After notice and hearing, the Select Board may suspend, revoke, or refuse to renew a permit for a cannabis establishment for failing to comply with this article and/or state laws or regulations.
- B. In suspending, revoking, or refusing to renew a permit for a cannabis establishment, the Select Board may take into consideration:
  - (1) The number and types of complaints law enforcement received, investigated, and substantiated.
  - (2) Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

**§ 46-7 Appeals.**

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension, or revocation, appeal the decision to the Town of Bethel Board of Appeals. The Board of Appeals may grant or reinstate the permit if it finds that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on sufficient evidence or on a violation of any ordinance, article, bylaw, or rule or regulation of the Town of Bethel.

**§ 46-8 Right of access.**

Every operator of a cannabis establishment shall allow law enforcement and code enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this article.

**§ 46-9 Indemnification.**

- A. By accepting a permit issued pursuant to this article, the permittee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any cannabis establishment owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.

- B. By accepting a permit issued pursuant to this article, all permittees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted cannabis establishment.

**§ 46-10 Compliance with state law required.**

In the event the State of Maine adopts any additional or stricter laws or regulations governing cannabis establishments, compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this article. Furthermore, any noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

**§ 46-11 Amendments.**

This article may be amended by the Town after proper notice and Town Meeting. Amendments shall take effect seven days after passed by Town vote and remain in effect until further amended or repealed.

**§ 46-12 Enforcement; violations and penalties.**

- A. This article shall be enforced by the municipal officers or their designee.
- B. Violations of this article shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

**§ 46-13 Severability.**

If any provision of this article is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the article.

**§ 46-14 When effective.**

For the purposes of permitting a cannabis establishment, this article becomes effective immediately upon approval by Town vote.

Jessica Grover  
Attested Copy      Town Clerk  
Jessica Grover

2/22/24  
Date

Approved  
for  
Hearing 9/6/2023

### § 136-5. General restrictions.

- A. No sign shall be attached to any tree, traffic control signs or devices, public utility poles or fixtures. No sign shall be painted upon any rock, ledge or other natural feature.
- B. No business advertising sign, permanent or temporary, shall be erected on public property, including the road right-of-way.
- C. No sign shall be located where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic.
- D. No sign shall be confused with any authorized traffic sign, signal or device.
- E. No sign shall project from a building over a public way with the bottom of the sign less than eight feet vertically above the ground. The sign owner is responsible for insuring the sign.
- F. No official business signs, such as those authorized by the State of Maine Department of Transportation, advertising any business or other activity shall be permitted on any roadway within the limits of the Town of Bethel.
- G. Failure to maintain. The Code Enforcement Officer shall determine if a sign is adequately maintained. If, in the judgment of the Code Enforcement Officer, a sign is not adequately maintained, the Code Enforcement Officer shall give 30 day's notice to have the sign repaired or removed. The owner of the sign shall have the choice to repair or remove the sign. Failure to comply with the order of the Code Enforcement Officer will result in a fine as provided in § 136-11.
- H. Any outdoor sign which pertains to any activity no longer in existence shall be removed by its owner or persons otherwise responsible within 30 days from the time the activity ceases. This provision does not apply to seasonal activities during the regular periods in which they are closed.
- I. No sign shall consist of beach flags, feather flags, pennants, ribbons, streamers, sheets, spinners or other moving devices.
- J. No sign shall consist of strings of lights or have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color.
- K. No sign shall be illuminated by other than steady light.
- L. No sign shall be movable or portable (unless defined as a temporary sign).
- M. No sign shall have visible moving parts or blinking, moving or glaring illuminations.

- N. No sign shall be erected which consists of a sign attached to or printed on any balloon, kite or other aerial device, whether tethered or untethered.
- O. Any change in size, location or lighting of any sign shall constitute a new sign.
- P. No sign shall be illuminated with lighting that will obstruct the view of any public way or have its beams or rays directed to any portion of a public roadway. Lighting must be directed onto the sign with downward and/or shielded lighting, as required, and shall not create a hazardous glare for pedestrians or motor vehicles.
- Q. No private signs shall be permitted on the town-owned property at the corner of Main St. and Mechanic St., otherwise known as Veteran's Memorial Park, including, but not limited to, temporary signs within the right-of-way.

Jessica Grover  
Attested Copy Town Clerk  
Jessica Grover

2/22/24  
Date

## **LD 2003 Amendments to Chapter 140 Site Plan Review**

### **§ 140-3 Applicability.**

...

**D.** This chapter does not apply to:

- (1)** Construction of detached single-family and two-family dwellings and customary outbuildings for the use of the residents thereof.
- (2)** Construction of barns, stables, and other buildings for use in agriculture.
- (3)** The subdivision of land as defined by 30-A M.R.S.A. § 4404 and/or Chapter 150, Subdivision of Land.
- (4)** Nonstructural use of land for agriculture or forestry, including agricultural and forest management roads and gravel pits that include excavations for borrow, topsoil, clay, and silt. For operation of rock crushers see § 140-7, Special regulations, Subsection **E(2)**, Heavy industrial.
- (5)** Existing buildings or premises legally established prior to the adoption of this chapter unless subject to review under the provisions of Subsection **A** to **C** of this section.
- (6)** Seasonal farm stands selling only agricultural products.
- (7)** Home occupations.
- (8)** Any structure damaged or destroyed by fire, explosion or natural disaster if it is rebuilt on the same or a rebuilt foundation of equal or lesser floor area for the same use at the time of destruction and if completed within two years of destruction.
- (9)** The construction of small structures necessary for the provision of utilities or services such as power, water and sewage. Exempted structures shall not exceed 100 square feet in area.
- (10)** The construction of any cabinets, dishes, radio units, platforms, ice bridges or other equipment located within the fenced ground compound of any previously approved telecommunications facility.
- (11)** Change of use which does not affect the performance standards.
- (12)** The use of food trucks.
- ~~**(13)** Construction of up to four detached or attached dwelling units on a lot that does not contain an existing dwelling unit and is located in a designated growth area or is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.~~
- ~~**(14)** Construction of up to three detached or attached dwelling units on a lot that contains one existing dwelling unit.~~

### **§ 140-7. Special regulations.**

The following regulations shall be complied with, in addition to the performance standards contained in § 140-5 of this chapter. Please note that setback and open space requirements may not be applicable to changes of use of existing structures.

**A. Multifamily dwelling requirements.**

**(1) Lot requirements and use.**

**(a) Developments with Town sewer.**

[1] A minimum of 10% of the land area shall be held and utilized as open space.

[2] There shall be no more than seven dwelling units per acre, or any smaller portion of an acre.

[3] Setback requirements.

[a] Front: minimum requirement will reflect the setbacks of adjacent structures or 30 feet from the boundary of the public or private right-of-way, whichever is smaller.

[b] Side and rear: minimum requirement may reflect the existing adjacent setback with the written approval of the Fire Department, otherwise a minimum of 20 feet from boundary lines.

**(b) Developments without Town sewer.**

[1] A minimum of 40% of the land area shall be held and utilized as open space.

[2] The maximum number of dwelling units per acre shall be determined by the Minimum Lot Size Law, 12 M.R.S.A. § 4807-A, and the sanitary regulations embodied in the State of Maine Subsurface Wastewater Disposal Rules, but in no event shall the number of dwelling units exceed four per acre.

[3] Setback requirements.

[a] Front: a minimum of 30 feet from the boundary of the public or private right-of-way.

[b] Side and rear: a minimum of 40 feet from boundary lines.

**(c) Affordable Housing Developments**

[1] Affordable housing developments located in a designated growth area or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system shall have a dwelling unit density of at least 2 1/2 (two and one half) times the base density otherwise allowed as provided above.

[2] Before approving an affordable housing development, the Planning Board shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of

and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

[a] For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

[b] For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

(2) Parking requirements.

(a) General: two spaces per unit, plus one additional space per three units.

(b) Elderly/affordable: ~~one space per unit, plus one additional two~~ spaces per for every three units.

(3) Building height.

(a) Maximum building height: 35 feet above the average finished grade.

(b) Maximum number of stories: 2.5.

(4) Utilities.

(a) For all multifamily dwelling developments, lines for electricity, telephone and cable television shall be put underground.

(b) Underground utilities shall be installed prior to the installation of the final gravel base of the road.

§ 140-12 Word usage and definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

.....

**AFFORDABLE HOUSING DEVELOPMENT**

(1) ~~For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and~~

(2) ~~For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a~~

majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing cost

Jessica Grover  
Attested Copy  
Jessica Grover  
Town Clerk

3/7/24  
Date



## **LD 2003 Amendments to Chapter 150 Subdivision**

### **(25) Subdivisions with affordable housing.**

(a) Purpose. The purpose of this standard is to encourage developers of residential subdivisions and multifamily developments to provide lots or units which are affordable to very low-, low- and median-income households as defined by the United States Department of Housing and Urban Development and comply with the policies of the Bethel Comprehensive Plan.

(b) Incentive. The Planning Board may, in approving a residential subdivision (but not a mobile home park) and multifamily development, allow for an increase of up to 10% in the total number of lots or units if the applicant can meet the following criteria and provisions:

[1] Documentation is provided to the Planning Board that subsurface sewage disposal systems will be sufficient to meet the increased density if not served by public sewer;

[2] The Planning Board shall require all provisions of this chapter to be met except provisions relating to density;

[3] The applicant shall provide the Planning Board with information as to the upper income limits for very low, low and median family incomes prepared and published by the Department of Housing and Urban Development and affordability formulas and data used to calculate rents and prices;

[4] Prior to the initial occupancy of any multifamily dwelling and prior to any occupancy thereafter of any multifamily dwelling unit which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the occupant(s) meets the very low-, low- or median-income criteria;

[5] The Planning Board shall require the applicant to provide proof that, upon transfer, sale or disposition of the multifamily unit and/or complex, those units created as the result of the affordable housing incentive shall continue to be occupied by very low-, low- or median-income households;

[6] Prior to the initial sale of any lot or lot and dwelling which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the purchaser meets the very low-, low- or median-income criteria; and

[7] The Planning Board shall, at time of subdivision approval, require the deed to the lot or lots and dwelling units which are affordable to contain a transfer, sale or disposition clause that provides legally enforceable assurances that upon transfer, sale or disposition the property remains affordable to very low-, low- or median-income households. The Planning Board shall require, at a minimum, the following provisions to be contained in the deed:

[a] Transfer shall be to a very low-, low- or median-income household.

[b] Upon death of the owner, the property may be transferred to the following: spouse; child or children; or members of the household who have resided on the premises for at least one year.

[c] Future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or, if no longer published, an equivalent index and an improvement factor.

[d] Future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or, if no longer published, an equivalent index, improvement factors and wear and tear factor.

[8] The term of such deed restrictions shall be 40 years.

(c) Affordable Housing Developments that meet the definition below and are located in a designated growth area or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system shall have a dwelling unit density of at least 2 1/2 (two and one half) times the base density otherwise allowed as provided above.

[1] Before approving an affordable housing development under this subsection, the Planning Board shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

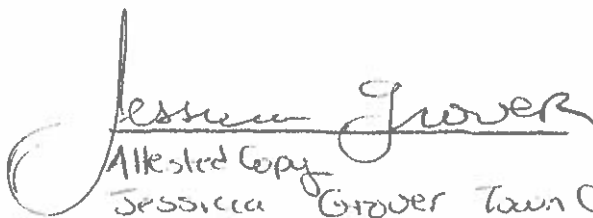
[a] For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

[b] For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

\_\_\_\_\_ [2] For purposes of the subsection, Affordable Housing Development shall mean:

[a] For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

[b] For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

  
Attested Copy  
Jessica Grover Town Clerk

3/7/24  
Date

## Town of Bethel Code Adoption Ordinance

### Schedule A

### Specific Revisions at Time of Adoption of Code

#### Chapter 5, Administration.

- A. Former § 5-4D, regarding gender-neutral references to the terms "Selectmen" and "Board of Selectmen," is repealed.
- B. Sections 5-7A(4) and 5-11A(5) are amended to change "Recreation Committee" to "Bethel Area Recreation Board."
- C. Sections 5-7A(10), 5-11A(9), and 5-61 are amended to change "Bingham Forest Advisory" to "Bingham Forest Advisory Committee."
- D. Section 5-17B is amended as indicated:

The Town Manager, upon appointment, shall automatically assume the positions of Road Commissioner, Tax Collector, Treasurer, and ~~Welfare Director~~ General Assistance Administrator and may designate one or more deputies for the execution of duties associated with these positions.

- E. Section 5-37A is amended as indicated: "The budget and capital plan shall be due to the Select Board and Budget Committee ~~not later than March 1 of each year~~ as provided in § 5-20A."
- F. Former § 5-29C, regarding the Public Works Department's responsibilities for solid waste and recyclables, is repealed.
- G. Section 5-30B is amended as indicated:

The Department shall be responsible for the disposal and ~~recycling~~ removal of solid waste ~~materials generated within Bethel, in accordance with applicable laws and ordinances~~ and recyclables, as well as for the maintenance of related facilities, in accordance with applicable Town policies, Town ordinances, and laws.

- H. Section 5-48C is amended as indicated:

With the exception of easements granted for normal utility activity within Town rights-of-way to ~~Central Maine Power, Oxford West Telephone, or Adelpia Communications~~ the power, telephone, internet, and cable TV providers, the sale and/or conveyance of any easement or right-of-way encumbering Town property shall be subject to Town Meeting approval.

- I. Section 5-48D is amended as indicated:

The Select Board shall have the authority to grant normal utility easements within Town rights-of-way to ~~Central Maine Power, Oxford West Telephone, or Adelpia Communications~~ the power, telephone, internet, and cable TV providers.

**Chapter 12, Alarms.**

- A. In § 12-3, definitions of "alarm system," "E-911," and "E-911 hang-up," "Oxford County Regional Communication Center" is amended to read "Oxford County Regional Communications Center."
- B. Section 12-7 is amended as indicated:
- In lieu of the issuance of a uniform summons and complaint form and the mandatory appearance in Maine District Court, a cash forfeiture can be made to the Town of Bethel in an amount set forth by the Town of Bethel ~~Fee Schedule~~ Select Board.
- C. Section 12-8 is amended as indicated:
- Whoever violates any of the provisions of this chapter shall be issued a State of Maine uniform summons and complaint form and, upon conviction thereof, be punished by a fine set forth by the Town of Bethel ~~Fee Schedule~~ Select Board.

**Chapter 17, Animal Control.**

- A. Section 17-4 is amended as indicated:
- When impounding any dog, the police officer, animal control officer, or constable shall, at the time of such impounding, make a complete registry entering the date of impounding and the breed, color, sex, and general condition of such dog, as can be reasonably ascertained, and if licensed or unlicensed and the name of the owner or keeper, if known, on a registry form prepared, approved and supplied by the Town Manager. A copy of this registry form shall be furnished to the person or shelter where the dog is impounded, together with written instructions setting forth conditions under which the dog can be released. The Town Clerk shall post a copy of the registry form in a conspicuous place in the Town office for a period of ~~40~~ six days following the date of the impoundment of the dog. Upon expiration of ~~40~~ eight days, if the owner of the dog has not appeared to claim the same, then the person or shelter may give away, sell or otherwise humanely dispose of the dog.
- B. Section 17-6B is amended to add the following sentence to the end thereof: "This subsection shall not apply to a disabled person using a service dog who, by reason of the disability, is physically unable to comply with the requirements of this subsection."

**Chapter 29, Entertainment.**

- A. Section 29-5H is amended as indicated:
- The municipal officers shall grant a permit unless they find that issuance of the permit is detrimental to the public health, safety, or welfare as defined in § 29-6, or would violate municipal ordinances, or rules and regulations, articles or bylaws, ~~or would permit continued operation of an establishment which has had violations of § 29-6G, Permissible noise pressure levels, on five separate contiguous or random days since the date of~~

~~issuance of the most recent special amusement permit, without showing evidence that substantive efforts had been made to prevent further violation.~~

B. Section 29-8 is amended as indicated:

The Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, ~~as defined in § 29-6G~~, or that the denial, revocation, or suspension was arbitrary or capricious ...

C. Section 29-11B is amended as indicated:

The municipal officers may, after a public hearing preceded by at least 10 days' notice to the licensee and other interested parties, suspend or revoke any special amusement permits which have been issued under this chapter on the grounds that the entertainment so permitted constitutes a detriment to the public health, safety, or welfare, ~~as defined in § 29-6G~~ or violates any Town of Bethel ordinances, or sections of any ordinances, articles, bylaws, or rules and regulations, ~~or when the establishment has had five violations of § 29-6G.~~

## Chapter 33, Food Sovereignty.

A. Section 33-2B is amended to change 7 M.R.S.A. § 6283 to 7 M.R.S.A. § 284.

B. Section 33-7, definition of "food or food products," is amended as indicated:

Food or food products ~~intended that are grown, produced, processed or prepared~~ for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

## Chapter 46, Marijuana.

### Article I, Adult Use Marijuana Cultivation Facilities.

A. Section 46-4 is amended to change "application for a license" to "application for a permit."

B. Section 46-5I, regarding requirements for the transferability of Town permits, is repealed. In addition, former Subsections J through N are redesignated as Subsections I through M, respectively.

Section 46-5L is amended as indicated: "No cultivation facility shall begin operations until the permittee receives an active license for the testing cultivation facility issued by the State of Maine."

### Article II, Adult Use Marijuana Manufacturing Facilities.

C. Section 46-18A(2) is amended as indicated:

"Inherently hazardous substance" means a liquid chemical; a compressed gas; ~~carbon dioxide~~; or commercial product that has a flash point at or lower than 38° C. or 100° F., including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" ~~includes~~ does not include any form of alcohol or ethanol.

- D. Section 46-19 is amended to change "application for a license" to "application for a permit."
- E. Section 46-28 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

### **Article III, Adult Use Marijuana Retail Stores.**

- F. Section 46-36B is amended as indicated:

Permits will only be issued for an adult use marijuana retail store that is located no less than 1,000 feet from the property line of a preexisting private or public school, state-licensed day-care center, public athletic field, public park, playground or recreational facilities.

- G. Former § 46-36H, which read "Permits are valid for one year," is repealed. In addition, former Subsections I through L are redesignated as Subsections H through K, respectively.
- H. Section 46-44 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

### **Article IV, Adult Use Marijuana Testing Facilities.**

- I. Section 46-51 is amended to change "application for a license" to "application for a permit."

### **Article V, Medical Marijuana Dispensaries.**

- J. In § 46-64, the definition of "medical dispensary" is amended as indicated:

~~A dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers~~ An entity registered under 22 M.R.S.A. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients; also called a "medical marijuana dispensary" or "medical marijuana caregiver dispensary."

- K. In § 46-64, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~card or license~~ registration certificate issued by the State of Maine to operate a medical marijuana caregiver dispensary."

### **Article VI, Medical Marijuana Cultivation Facilities.**

- L. In § 46-79, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana cultivation facility."

### **Article VII, Medical Marijuana Manufacturing Facilities.**

- M. In § 46-94, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana manufacturing facility."
- N. Section 46-95A(2) is amended as indicated:
- "Inherently hazardous substance" means a liquid chemical; a compressed gas; ~~carbon dioxide~~; or commercial product that has a flash point at or lower than 38° C. or 100° F., including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" ~~includes~~ does not include any form of alcohol or ethanol.
- O. Section 46-96 is amended to change "application for a license" to "application for a permit."

- P. Section 46-105 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

### **Article VIII, Medical Marijuana Caregiver Retail Stores.**

- Q. In § 46-110, the definition of "medical marijuana caregiver retail store or retail store" is amended as indicated:

~~A storefront operated by a registered medical marijuana caregiver, which is operated in a facility separate from her/his personal address for the purpose of selling medical marijuana and related products to qualifying patients~~ A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

- R. In § 46-110, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~card or license~~ registration certificate issued by the State of Maine to operate a medical marijuana caregiver retail store."

### **Article IX, Medical Marijuana Testing Facilities.**

- S. In § 46-125, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana testing facility."
- T. Section 46-126C is amended as indicated: "Security requirements for a medical marijuana testing facility shall include:"

## **Chapter 52, Property Assessed Clean Energy.**

- A. Sections 52-2B and 52-5, lead-in paragraph, are amended to change "35-A M.R.S.A. § 10154(A)(2) and (B)" to "35-A M.R.S.A. § 10154, Subsection 2A(2) and B."
- B. Section 52-9B is amended as indicated:

Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into pursuant to this chapter, ~~a municipality~~ the Town has no liability to a property owner for or related to energy saving improvements financed under a PACE program.

## **Chapter 60, Sewer and Water Use.**

- A. Section 60-1A, definition of "watercourse," is amended as indicated: "The terms '~~waterway~~' 'watercourse' and 'swale' shall be considered interchangeable."
- B. Section 60-9B is amended as indicated:

Any owner who shall continue any violation beyond the time limit provided for in the written notice may be subject to court action and shall be guilty of a civil violation and on conviction shall be fined not less than \$100 nor more than ~~\$2,500~~ \$5,000 or such other penalty provided by 30-A M.R.S.A. § 4452, except where otherwise provided in this chapter.

- C. Section 60-10B is amended as indicated: "Within 30 days of the date of the decision of the Select Board or CEO/LPI, the appeal shall be entered at the office of the Town Clerk."
- D. Sections 60-21 and 60-53B are amended to change "Maine State Plumbing Code, Subsurface Wastewater Disposal Rules" to "Maine State Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241."
- E. Section 60-24 is amended to change "State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations" to "Maine State Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241."
- F. Section 60-33B is amended as indicated:
- If the Select Board require the pretreatment or equalization of waste flows, the design and installation of the process structures and equipment shall be subject to review of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.
- G. Section 60-35B is amended as indicated: "Signed copies of these records shall be submitted every ~~one~~ year to the Select Board."
- H. Section 60-40 is amended to change "Title 40, Chapter 1, Part 128 and Part 403" to "40 CFR 403."
- I. Section 60-46A is amended, in part, as indicated: "an engineer ~~registered~~ licensed in the State of Maine."

## **Chapter 67, Streets and Sidewalks.**

### **Article I, Snow and Ice.**

Section 67-2 is amended as indicated:

Whoever violates this article shall forfeit not less than \$5 ~~\$25~~ for each offense, the same to be recovered on complaint before any court, and the same shall at once be paid to the Treasurer of the Town of Bethel for the use of said Town.

## **Chapter 75, Traffic, Parking and Pedestrians.**

A. Section 75-5, definition of "authorized emergency vehicle," is amended as indicated:

A privately owned vehicle commandeered by the Fire or Police Chief or owned or used by a ~~fireman, policeman, firefighter, police officer,~~ or ambulance attendant shall have the same status under this chapter as a publicly owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.

B. Section 75-5, definition of "police officer," is amended as indicated:

Every officer of the Bethel Police Department, the Oxford County Sheriff's Department, the Maine State Police, the Department of Inland Fisheries and Wildlife (~~Bureau of~~ Warden Service) and the Bureau of ~~Liquor Enforcement~~ Alcoholic Beverages and Lottery Operations and any other state, county and/or municipal law enforcement officer



authorized to direct or regulate traffic or to make arrests for violation of traffic regulations within the State of Maine.

C. Section 75-22.

- (1) The second and third sentences thereof are amended as indicated:

They may, however, in lieu of such penalty, elect the payment of a parking fine of ~~\$10~~ \$20 (United States currency) for each violation. If payment is not made within 10 days of the date of violation, then the fine shall increase to ~~\$20~~ \$40 (United States currency).

- (2) The last sentence thereof is deleted, which originally read: "Notwithstanding anything contained in the foregoing, the right to the elections set forth in Subparts (a) through (h), 10 business days of the date of the offense and only the general penalty shall then be applicable."

D. Section 75-38D.

- (1) Subsection D(1) is amended as indicated: "For violations by person(s) ~~18~~ 17 years of age or older:"

- (2) Subsection D(2) is amended as indicated: "For violations by person(s) under ~~18~~ 17 years of age:"

- E. Section 75-39 is amended as indicated: "~~Mollycodd Day~~ Summerfest or other special events shall be exempt from this requirement."

- F. Section 75-43 is amended to change "not less than \$250 nor more than \$1,000" to "not less than \$250 nor more than \$4,000."

## **Chapter 76, Trails and Bridges, Recreational.**

- A. Section 76-6B(5) is amended as indicated: "Operation of snowmobile and cross-country skiing grooming equipment (November 15 to April 30 only)."

- B. Section 76-8C is amended as indicated:

Persons responsible for control of cats and dogs shall be responsible for immediate removal of cat and dog waste from trails and bridges. This subsection shall not apply to a disabled person using a service dog who, by reason of the disability, is physically unable to comply with the requirements of this subsection.

- C. Section 76-9 is amended to change "not less than \$100, nor more than \$2,500" to "not less than \$100, nor more than \$5,000."

## **Chapter 96, Building Construction.**

- A. Section 96-4D, E, and F is amended to change "Building Inspector" to "Code Enforcement Officer."

- B. Section 96-5A is amended as indicated:

A certain document, one copy of which is on file with the Town Clerk of the Town of Bethel, being marked and designated as National Fire Protection Association No. 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances ...

- C. Section 96-7A is amended to change "The purpose of this District" to "The purpose of this section."

## **Chapter 105, Floodplain Management.**

- A. Section 105-1E is amended, in part, as indicated: "... a report entitled 'Flood Insurance Study—Oxford County, Maine,' dated July 7, 2009 ..."
- B. Section 105-3H(1)(a) is amended as indicated:
- In Zone AE, from data contained in the "Flood Insurance Study—Oxford County, Maine," as described in § 105-1; or

## **Chapter 125, Road Design and Construction.**

### **Article II, Private Road Standards.**

- A. Section 125-17B(2) and C(2)(c) is amended as indicated:
- ~~Land Use Regulation Commission Guidelines 10, 17, A, 4, Roads and Water Crossings.~~  
Maine Land Use Planning Commission, Land Use Districts and Standards for Areas Served by the Maine Land Use Planning Commission, 01-672, Chapter 10.27(D), "Roads and Water Crossings."
- B. Section 125-17C(1)(a) and (b) is amended to change "SCS" to "NRCS."
- C. Section 125-19B(1) is amended as indicated: "The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be ~~\$2,500~~ \$5,000."

## **Chapter 132, Shoreland Zoning.**

- A. Section 132-8C is amended as indicated:
- The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. ~~In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.~~
- B. Section 132-11D(3) is amended as indicated:
- An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, ~~including water dependent uses in the CFMA District~~, than the former use, as determined by the Planning Board.
- C. Section 132-12A is amended as indicated:

This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial[,] or General Development I, ~~or Commercial Fisheries/Maritime Activities~~ Districts need not be included within the Resource Protection District.

D. Section 132-12B is amended as indicated:

It includes areas other than those in the Resource Protection District or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District[,] ~~or the General Development Districts, or the Commercial Fisheries/Maritime Activities District.~~

E. Section 132-14G(1) is amended as indicated:

Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, ~~except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least 25 feet, horizontal distance, from the shoreline.~~

F. Section 132-14N(1) is amended to update the Nutrient Management Law citation from 7 M.R.S.A. § 4201-4209 to 7 M.R.S.A. §§ 4201 to 4214.

G. Section 132-14O(3)(a) is amended as indicated:

This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development ~~or Commercial Fisheries/Maritime Activities Districts~~ District.

H. Section 132-14Q(5) is amended as indicated:

The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a General Development District, ~~commercial fisheries and maritime activities district~~ or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A § 343-E, and that is located along:

I. Former § 132-15D(2)(g), regarding activities in the Commercial Fisheries/Maritime Activities District, is repealed. In addition, former § 132-15D(2)(h) and (i) is redesignated as § 132-15D(2)(g) and (h).

J. Section 132-15H(2)(d) is amended to change "codes enforcement officer" to "Code Enforcement Officer" in the first sentence thereof.

K. Section 132-15I(5) is amended as indicated: "However, in a Resource Protection District, the maximum penalty is increased to ~~\$5,000~~ \$10,000 (~~38-30-A~~ M.R.S.A. § 4452)."

L. Section 132-17.

(1) In the definition of "recreational vehicle," "State Division of Motor Vehicles" is changed to "State Bureau of Motor Vehicles."

(2) The definition of "significant river segments" is amended as indicated: "See Appendix A of 06-096 CMR Ch. 1000 or 38 M.R.S.A. § 437."

M. Table 1, Land Uses in the Shoreland Zone, attached to this chapter, is amended as follows:

- (1) To delete the "CFMA" column from the table.
- (2) To amend footnote 5, following the table, as indicated:

Functionally water-dependent uses and uses accessory to such water dependent uses only (~~See note on previous page~~ see the definition of "functionally water-dependent use" in § 132-17).

- (3) To delete footnote 13, following the table, which read "Option 3 towns only."
- (4) To delete the first paragraph, following the table and footnotes, which read:

Item 17. In its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland."

## Chapter 136, Signs.

- A. Section 136-6A is amended as indicated:

Signs that have been erected without a permit shall pay a ~~fifty-dollar~~ late fee as set forth in the Fee Schedule upon application if no action has been taken after 10 days' notice by the CEO.

- B. Section 136-8I(2) is amended to change "Codes Enforcement Officer" to "Code Enforcement Officer."

- C. Section 136-9E is amended as indicated:

Seasonal agricultural signs that were in use prior to the 2021 Annual Town Meeting will be considered to be grandfathered. Seasonal agricultural signs shall be permitted when crops are offered for sale on the premises where those crops were grown from May 1 to December 31 of each year. Signs may advertise only those fruits and vegetable that are available for immediate purchase. A grower may not erect more than four signs. A sign must not exceed eight square feet in size and must be located within five miles of the farm stand. The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within, but at the edge of, the rights-of-way of highways that receive no federal aid (23 M.R.S.A. § 1913-A).

- D. Section 136-10I is amended as indicated:

Roadside directional signs shall be located at least 200 feet in advance of key intersections where travelers must change directions or confirm travel in the correct ~~destination~~ direction and at least 200 feet away from other traffic control devices.

- E. Section 136-13.

- (1) The defined terms "awning" and "marquee" are amended to read "awning sign" and "marquee sign," respectively.
- (2) The definition of "billboard" is amended as indicated: "Any off-premises advertising sign on public or private property regardless of size ~~is not allowed under current Maine law~~. Billboards are prohibited in the State of Maine."
- (3) The definition of "seasonal agricultural signs" is amended as indicated:

~~Signs erected by growers of fresh fruits and vegetable crops advertising those fresh fruits and vegetable crops. shall be permitted when crops are offered for sale on the premises where those crops are grown from May 1 to December 31 of each year. Signs may advertise only those fruits and vegetable that are available for immediate purchase. A grower may not erect more than four signs. A sign must not exceed eight square feet in size and must be located within five miles of the farm stand. The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within, but at the edge of, the rights-of-way of highways that receive no federal aid (23 M.R.S.A. § 1913-A).~~

## Chapter 140, Site Plan Review.

- A. Section 140-5C(2)(g) is amended as indicated: "The current use of abutting properties shall also be indicated, such as, but not limited to, agricultural land and managed forest land."
- B. Section 140-5C(3)(o) is amended as indicated: "If the project falls in a potentially sensitive archaeological site, the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey."
- C. Section 140-5C(4)(b) is amended as indicated: "Based on soil test results, certain modifications of the preliminary site plan may be required."
- D. Section 140-5D(3) is amended as indicated:

In the event that the Planning Board determines to hold a public hearing on the proposed project, it shall hold such public hearing within 30 days of having received a completed preliminary project site plan application and shall cause notice of the date, time and place of such hearing to be published in a newspaper of general circulation in Bethel at least one time.
- E. Section 140-5.1B(6) is amended as indicated:

This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space[,] such as a parks, recreation programs and facilities and other municipal services and facilities.
- F. Section 140-7C is amended as indicated: "Bed-and-breakfast establishment and tourist home requirements."
- G. Section 140-7H(6)(b) is amended as indicated:

The Planning Board shall require the owner/operator of any antenna or tower to provide annually to the Town office proof that it is maintaining a certificate of liability insurance covering accident or damage.
- H. Section 140-7II(1) is amended to change "The purpose of this District" to "The purpose of this subsection."
- I. Section 140-8.1A(4) is amended as indicated:

Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control ~~Handbook for Construction~~ Best Management Practices (BMPs).

## J. Section 140-8.1A(20) is amended as indicated:

A municipal reviewing authority may request technical assistance from the Department of ~~Conservation Agriculture, Conservation and Forestry~~, Bureau of Forestry, to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76.

## K. Section 140-12B.

- (1) The definition of "driveway volume," Subsection (3), is amended as indicated: "High-volume driveway: ~~over 200 or more~~ peak hour trips per day."

- (2) The definition of "handicapped parking space" is amended as indicated:

~~One for every 25 public spaces to be 14 feet wide by 18 feet long. The first space shall be van accessible and every eighth space thereafter shall be van accessible (16 feet wide by 18 feet long)~~ An off-street area of 14 feet wide by 18 feet long or, for a van-accessible space, 16 feet wide by 18 feet long.

- (3) The definition of "home occupation," Subsection (2), is amended as indicated:

The Planning Board shall use the standards contained in Chapter 375.10C, Sound level limits, of the Maine Department of Environmental Protection Rules, and as amended, to make a determination of "adversely affected."

- (4) The definitions of "inn" and "motel" are amended as indicated: "See 'hotel/motel/inn.'"

- (5) The definition of "waiver" is amended as indicated:

A relaxation of the terms of this chapter from application requirements or performance standards or special regulations, granted by the Planning Board where, because of the special circumstances of the site such application requirements or ~~because~~ standards would not be applicable or would be an undue hardship, as defined under 30-A M.R.S.A. § 4353(4), on the applicant and, if modified, would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

## Chapter 144, Solar Energy Systems.

## A. Section 144-15, definition of "solar energy system," is amended as indicated:

A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be ~~any one of the following three types:~~ residential, commercial or industrial as described in § 144-2B(1), (2) and (3).

~~A. RESIDENTIAL—A system used for producing energy at the property where the applicant resides.~~

~~B. COMMERCIAL—A system used for producing energy at a property where the applicant operates a business or where the applicant rents or leases space to another individual or entity.~~

~~C. INDUSTRIAL—A system used primarily for the production of energy for the power grid.~~

## **Chapter 146, Street Names and Numbering.**

Section 146-11, Violations and penalties, is added to read: "Anyone who violates the provisions of this chapter shall be subject to a fine of \$50."

## **Chapter 150, Subdivision.**

- A. Section 150-5C(3)(o) is amended as indicated: "If the project falls in a potentially sensitive archaeological site, the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey."

- B. Section 150-6C(6) is amended as indicated:

This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space[,], such as a parks, recreation programs and facilities and other municipal services and facilities.

- C. Section 150-9A(7) is amended as indicated: "Municipal solid waste disposal: will not cause an unreasonable burden on the ability of the Town of Bethel to dispose of solid waste if municipal services ~~if they~~ are to be utilized."

- D. Section 150-9A(20) is amended as indicated:

A municipal reviewing authority may request technical assistance from the Department of ~~Conservation~~ Agriculture, Conservation and Forestry, Bureau of Forestry, to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76.

- E. Section 150-14B is amended as indicated:

Any person who violates the provisions of this chapter or the conditions of a permit shall be guilty of a civil violation and, on conviction, shall be fined not less than \$100 nor more than ~~\$2,500~~ \$5,000, as required by 30-A M.R.S.A. § 4452 .

## **Chapter 160, Wind Energy.**

### **Article I, Commercial Facilities.**

- A. Section 160-5A(2) is amended as indicated:

The qualifications of an independent acoustical consultant include, at a minimum, demonstration of competence in the specialty of community sound testing and full and current board-certified membership in the Institute of Noise Control ~~Engineers~~ Engineering (INCE).

- B. Section 160-5C(3) is amended as indicated: "These will provide access to the material by the Planning Board, the Select Board, the CEO and other Town officials, and a copy shall be kept in the Town office for public review."

- C. Section 160-8C.

(1) Subsection C(1) is amended as indicated:

A nonrefundable fee of \$200 as set by the Town Fee Schedule will be assessed to cover all Planning Board and other Town costs associated with evaluation of the MET application.

- (2) Subsection C(2) is amended as indicated:

The applicant shall comply with all portions of the ~~Town's Site Plan Review Ordinance and Telecommunications Ordinance~~ Chapter 140, Site Plan Review, of the Town Code, as determined by the Planning Board.

- D. Section 160-10A(1) is amended as indicated:

A nonrefundable application fee of ~~\$1,500 for one to three proposed CWTs; \$3,000 for four to 10 CWTs; \$4,000 for 11 to 15 CWTs; and \$5,000 for 16 or more CWTs~~ set forth by the Town Fee Schedule will be assessed to cover all Planning Board costs associated with the evaluation of the construction application.

- E. Section 160-10A(3) is amended as indicated:

~~Supplement to Site Plan Review.~~ The applicant shall notify all property owners within two miles of the proposed CWEF footprint at least 14 days prior to the Planning Board's consideration of the application.

- F. Section 160-11C is amended as indicated:

~~In § 140-6C of the site plan review, the time frames for a CWEF are lengthened to provide adequate opportunity for public input.~~ Within 60 days of the public hearing or 90 days of the determination of a complete application, the Planning Board shall approve the application, approve the application with conditions, or disapprove the application.

- G. Sections 160-12C(2) and 160-16, definition of "scenic or special resource," are amended to change "National Registry of Historic Places" to "National Register of Historic Places."

- H. Section 160-15D(2) is amended, in part, as indicated: "...Town ordinances and conditions of ~~and~~ CWEF approval."

- I. Section 160-16.

- (1) The definition of "applicant" is amended as indicated:

This term is interchangeable with the term "owner/operator" during any CWEF application process. See definition of "owner/operator."

- (2) The definition of "Town of Bethel" is amended as indicated:

For the purpose of this ~~document~~ article, the Town of Bethel shall ~~hereinafter~~ herein be referred to as the "Town."



TOWN OF BETHEL  
OXFORD COUNTY, MAINE

Be it ordained by the Town Meeting of the Town of Bethel as follows:

**§ 1-1. Code adopted; existing ordinances continued.**

Pursuant to 30-A M.R.S.A. § 3004, the ordinances of the Town of Bethel of a general and permanent nature adopted by the Town Meeting of the Town of Bethel, as revised and codified and consisting of Chapters 1 through 160, are hereby approved, adopted, ordained and enacted as the Code of the Town of Bethel, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 2003 Code, as amended and supplemented.

**§ 1-2. Code on file; additions and amendments.**

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance such copy shall be certified by the Town Clerk and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Meeting to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Bethel" shall be understood and intended to include such additions and amendments.

**§ 1-3. Notice; publication.**

The Clerk of the Town of Bethel shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance, coupled with the filing of the Code in the office of the Town Clerk as provided in § 1-2, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-4. Severability.**

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-5. Repealer.**

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Bethel which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances are excluded from the Code and specifically repealed: Chapter 62, Single-Use Bags and Containers, of the 2003 Code, adopted June 11, 2019.

**§ 1-6. Ordinances saved from repeal.**

The repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Bethel prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Town of Bethel or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Town of Bethel.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Bethel.
- E. Any ordinance of the Town of Bethel providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Bethel or any portion thereof.
- F. Any ordinance of the Town of Bethel appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Bethel or other instruments or evidence of the Town's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property or approval of preliminary or final subdivision plats or site plans.
- J. Any ordinances adopting or amending a zoning map or otherwise rezoning property.
- K. Any ordinances relating to salaries or personnel policies.
- L. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- M. The General Assistance Ordinance, and all amendments thereto.
- N. Any ordinances adopted subsequent to June 14, 2023.

**§ 1-7. Changes in previously adopted ordinances.**

- A. In preparing the revision and codification of the ordinances pursuant to 30-A M.R.S.A. § 3004, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Throughout the Code:
  - (1) The terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board."
  - (2) The term "Chairman" is amended to read "Chair."
  - (3) The term "Natural Resource Protection Act" is amended to read "Natural Resources Protection Act."
  - (4) References to registered land surveyors and professional land surveyors are amended to read "professional licensed land surveyor."
  - (5) References to registered professional engineers, professional engineers, and engineers registered in the State of Maine are amended to read "licensed professional engineer" or "professional engineer licensed in the State of Maine," as applicable.

- (6) References to the Maine Department of Human Services are amended to read "Maine Department of Health and Human Services."
- (7) References to Chapter 150 of the Town Code as "Subdivision of Land" are amended to read "Subdivision."
- D. In Chapter 46, Marijuana, Part 2, Medical Use, the terms "license" and "conditional license" are amended to read "registration certificate"; the term "licensee" is amended to read "registrant"; and the term "licensed" is amended to read "registered" when referring to a registration certificate issued by the State Department of Administrative and Financial Services.

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of Bethel to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a fine of \$100.

**§ 1-10. When effective.**

This ordinance shall take effect immediately upon final passage and publication as provided by law.