

SUBDIVISION REGULATIONS

GOVERNING MOBILE HOME PARKS

FOR

TOWN OF CARMEL, MAINE

Adopted 03-04-91

ARTICLE 28. SHALL AN ORDINANCE ENTITLED " SUBDIVISION REGULATIONS GOVERNING MOBILE HOME PARKS" BE ENACTED?

Whereas, the people of the Town of Carmel wish to promote the health, safety and welfare of the populace while maintaining and regulating the growth of the municipality in a manner conducive to promoting an environmentally sound use of the land and the resources of the community; and,

Whereas, the Legislature has placed restrictions upon the ability of the municipality to regulate mobile home parks as subdivisions; and,

Whereas the people of the Town of Carmel desire to conform to the dictates of the Law,

NOW, Therefore, the people of the Town of Carmel hereby adopt the following SUBDIVISION REGULATIONS GOVERNING MOBILE HOME PARKS ORDINANCE.

SUBDIVISION REGULATIONS GOVERNING MOBILE HOME PARKS

Article I. Title and Purpose

1.1 This ordinance shall be known as the "Subdivision Regulations Governing Mobile Home Parks Ordinance" and will be referred to hereinafter as the "Ordinance".

1.2 This Ordinance is enacted by the inhabitants of the Town of Carmel to promote the health, safety, convenience, welfare, and property values of the inhabitants by requiring all new mobile home parks and reconstruction and/or expansion of existing mobile home parks to meet minimum standards as defined in this ordinance.

Article II. Authority

2.1 This ordinance is enacted pursuant to the authority granted the municipality by the Maine Legislature in Title 30-A, Chapter 141, Section 3001 (Home Rule Provisions). 30-A Chapter 187, Subchapter IV, Section 4001 et. seq. (Subdivision Law) and 30-A Chapter 191, Section 4358 (Regulation of Manufactured Housing)

2.2 The effective date of this ordinance shall be the date it is enacted by vote of the legislative body of the Town of Carmel.

2.3 This ordinance shall in no way impair or remove the necessity for complying with any other ordinance, rule, regulation, by-law, permit or provision of law.

2.4 This ordinance shall apply to all mobile home parks within the Town of Carmel, except that mobile home parks existing at the time of adoption of this ordinance need not comply until such time as a reconstruction and/or expansion of the existing mobile home park is proposed, except where noted.

Article III. Definitions

3.1 **Manufactured Housing** - a structure or structural unit designed for occupancy as a single family dwelling and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.

3.2 **Mobile Home** - structures manufactured as a single family dwelling, transportable in one or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained within the unit.

Article III Definitions, Section 3.2 cont'd

a. "Newer Mobile Homes" - a mobile home manufactured after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards found in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.

b. "Older Mobile Homes" - a mobile home manufactured to meet all the requirements of "Newer Mobile Homes" except the size requirements and with respect to which the manufacturer voluntarily files a certification that the structure meets the requirements of USC 42 Section 5401, et. seq.

3.3 Modular Home - a single family dwelling manufactured to be transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit, certified by the manufacturer to be in full compliance with Title 10, Chapter 957, and rules adopted under that chapter.

3.4 Mobile Home Park (MHP) - a parcel of land under unified ownership approved by the Planning Board as a subdivision pursuant to these regulations for the placement of three (3) or more manufactured homes.

3.5 Mobile Home Park Lot - the area of land on which an individual manufactured home is situated within a mobile home park which is reserved for use by the occupants of that home.

3.6 Mobile Home Subdivision (includes Mobile Home Development) - a parcel of land approved by the Carmel Planning Board pursuant to the "Subdivision Regulations for the Town of Carmel" and Title 30-A MRSA Section 4401 et.seq. for the placement of manufactured housing on individually owned lots.

3.7 MRSA - abbreviation for "Maine Revised Statutes Annotated" and is the standard citation for the codification of public laws of the State of Maine, published by West Publishing Company of St. Paul Minnesota.

3.8 Carport - a freestanding roof, covering a small portion of a mobile home lot, intended for sheltering a motor vehicle.

Article IV - Administration and Procedures

4.1 The Planning Board and the Code Enforcement Officer shall administer this ordinance. All procedures prescribed by the "Subdivision Regulations of the Town of Carmel" shall be followed in making application for approval under this ordinance.

4.2 Fees. Fees for mobile home park plans review and approval shall be as set forth below:

Mobile Home Park Preapplication.....	\$ 25.00
Preliminary Plan Review.....	\$100.00 & \$10.00/lot.
Private MHP Roads Review.....	\$ 25.00/500 lineal feet
MHP Roads to be offered as town ways.....	\$50.00 plus Actual Engineering Exp. incurred
Final Plan Review.....	\$100.00 & \$10.00/lot

Article V. Conflicts with Other Ordinances, Validity and Severability

5.1 Where provisions of this ordinance conflict with any other ordinance, the provisions of this ordinance shall apply.

5.2 Should any section or provision of this ordinance be declared invalid, such invalidity shall not void or make invalid any other portion of this ordinance.

Article VI. Minimum Design Standards For Approval of Mobile home Parks

6.1 Mobile Home Parks shall meet all of the requirements for a residential subdivision using the minimum standards specified below.

6.2 Mobile Home Parks, existing and proposed, located wholly or partially within a district of the Shoreland Zone of the Town of Carmel shall comply with the Standards for lot size, shore frontage, minimum set-backs and density (lot coverage) for the portion of the mobile home park within the Shoreland Zone.

6.3 Mobile Home Parks, existing and proposed, shall meet the minimum lot size standards set forth below. No variance or reduction in lot size, area, coverage or set-backs shall be granted.

6.4 Lots Served by Public Sewer - 6500 square feet per lot.

6.5 Lots Served by Central Engineered System - Lots in Mobile Home Parks served by a central, on-site, subsurface wastewater disposal system (Engineered System) shall have a minimum of twelve thousand (12,000) square feet, provided the overall density shall be not more than one home for every twenty thousand (20,000) square feet and a minimum lot width of seventy five (75) feet.

6.6 Lots served by Individual System - Lots in Mobile Home Parks served by individual, on-site subsurface wastewater disposal systems (serving no more than two (2) lots with individual treatment tanks) shall have a minimum of twenty thousand (20,000) square feet per lot and a minimum lot width of one hundred (100) feet.

6.7 The minimum area for mobile home park shall be the combined area of its mobile home park lots plus:

- (1) the area required for road rights-of-way; and
- (2) the area required for buffer strips; and
- (3) the area of any setbacks required under Title 38 or any ordinance adopted pursuant to Title 38 (Mandatory Shoreland Zoning Ordinance.)

6.8 All structures on lots within a mobile home park adjacent to a public road shall be setback from the road in accordance with Article VII, Section 4. of the "Zoning Ordinance of the Town of Carmel, Penobscot County, Maine."

6.9 Mobile Home Park Roads

6.9.1 Mobile Home Park roads which the developer intends to offer to the municipality for acceptance as town ways shall be designed in accordance with accepted engineering standards by a licensed professional engineer and stamped with a professional engineer's seal and shall be constructed to the standard found in the Table 6.9.1 below using the specifications for "minor streets," excepting through streets which join public roads, which shall be constructed to "collector street" specifications.

Table 6.9.1 MOBILE HOME PARK PUBLIC ROAD STANDARDS

Description	Minor	Collector
Minimum Right-of-way width	60 feet	66 feet
Min. Pavement width	24 feet	26 feet
Min. sidewalk width, if installed	5 feet	5 feet
Min. Grade	0.5%	0.5%
Max Grade within 100' of the intersection of a private way with a public way measured from the centerline of the public way	1.0%	1.5%
Max Grade	8.0%	6.0%
Minimum Centerline radius	150 feet	230feet
Min tangent between curves of reverse radius	50 feet	100 feet
Roadway crown, minimum	1/4" per foot	1/4" /ft
Roadway crown, maximum	1/2" per foot	3/8" /ft
Min angle of street intersections	75 degrees	90 degrees
Min curb radii at street intersections	15 feet	20 feet
Min. Right-of-Way radii at intersections	10 feet	10 feet
Min Width of shoulders without sidewalks (per side)	3 feet	5 feet
Cul-de-Sac & Turn around radii:		
a) Property Line	65 feet	65 feet
b) Outer edge of pavement	50 feet	50 feet
c) Inner edge of pavement	26 feet	24 feet
d) In areas originally wooded, a stand of same trees shall be maintained within the center of the cul-de-sac.		

6.9.2 Mobile Home Park roads which the developer intends to retain in private ownership shall be designed in accordance with accepted engineering standards by a licensed professional engineer and stamped with a professional engineer's seal in accordance with the requirements of the Manufactured Housing Board and constructed in accordance with the minimum standards in Table 6.9.2

TABLE 6.9.2 MOBILE HOME PARK PRIVATE ROAD STANDARDS

Minimum Right-of-Way width	23 feet
Min. Pavement width	20 feet
Min. sidewalk width if installed	5 feet
Min. Grade	0.5 %
Max Grade within 100' of the intersection of a private way with a public way measured from the centerline of the public way	0.5%
Max Grade	8.0%
Minimum Centerline radius	100 feet
Min tangent between curves of reverse radius	50 feet
Roadway crown, minimum	1/8" per foot
Roadway crown, maximum	1/2" per foot
Min. angle of street intersections	75 degrees
Min. curb radii at street intersections	20 feet
Min. Right-of-way radii at intersections	10 feet
Min width of shoulders without sidewalks (each side)	3 feet
Cul-de-sac & Turn around radii:	
a) Property line	65 feet
b) Outer edge of pavement	50 feet
c) Inner edge of pavement	30 feet

6.10 ROAD CONSTRUCTION STANDARDS

6.10.1 Minimum Thickness of material after compaction.

Road Materials	Minimum Requirements		
	Minor	Collector	Private
Aggregate Sub-Base Course (Max sized stone 4:)	18"	18"	12"
Crushed Aggregate Base Course	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	2.50"	3.0"	1.5"
Surface Course	1.0 "	1.25"	*
Base Course	1.5"	1.75"	1.5"

Minimum Pavement Thickness may be applied in one (1) course

6.10.2 Preparation

6.10.2.1 Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at fifty foot intervals.

6.10.2.2 Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

6.10.2.3 All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town's Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

6.10.2.4 Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan submitted with the proposed roadway design. Where a cut results in exposed ledge, a side slope no steeper than two feet horizontal to one foot vertical is permitted.

6.10.2.5 All underground utilities (if any) shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

6.10.3 Bases and Pavement

6.10.3.1 Bases:

a. The Aggregate Sub-Base Course shall be sand or gravel of hard, durable particles free from vegetative matter, lumps, or balls of clay or other deleterious substances. The gradation of part of that passes a 3 inch square mesh sieve shall meet the following grading requirements.

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25 - 75%
No. 40	0 - 30%
No. 200	0 - 7%

NOTE: Aggregate for the sub-base shall contain no particles of rock exceeding four (4) inches in any dimension.

b. The Aggregate Base Course shall be sand or gravel of hard, durable particles free from vegetative matter, lumps, or balls of clay or other deleterious substances. The gradation of part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

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

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

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

6.10.3.3 Pavements Mix Standards:

a. Minimum standards for the base layer of pavement shall be Maine Department of Transportation (M.D.O.T.) specifications for plant mix Grade B with an aggregate size no more than 1.0 inch maximum.

b. Minimum standards for the surface layer of pavement shall meet M.D.O.T. specifications for plant mix Grade C. with an aggregate size no more than three quarters (3/4) inch maximum.

6.11 The centerline of the roadway shall be the centerline of the right-of-way.

6.12 Dead End Streets ending in cul-de-sacs which are intended to be offered to the Town as Town ways shall be required to provide for the reservation of an easement equal to that required for the type of street (either 60 or 66 feet) to extend in line with the street to provide continuation of the road where future subdivision is possible.

6.13 Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized, while maintaining the grade standards above.

6.14 All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping distances based on street design speed.

Design speed (MPH)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

The stopping Sight Distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet (eg. the average height of eye of an average driver in an average automobile) sighting an object with a spherical diameter of six inches (such as a ball, a child's head, etc.).

6.15 Where new street intersections or private roadway or driveway cuts are proposed, the sight distances as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the pavement or finished grade of the roadway.

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance Minimum (ft)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of vegetative growth and sight obstructions, including ground excavation, to achieve the required visibility. The removal of obstructions to sight distance shall not negate the requirements for visual buffer zones required in Section 8.1.

6.16 Cross (i.e. four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum of two hundred fifty (250) feet shall be maintained between the centerline of side streets.

Article VII.. SETBACK REQUIREMENTS

7.1 All structures to be located on a lot within a Mobile home park (excluding lots partially or wholly within the Shoreland Zone Districts) shall comply with the following minimum setbacks:

FRONT SETBACK	20 FEET
SIDE LINE SETBACK	20 FEET
REAR LINE SETBACK	10 FEET

7.2 All structures to be located partially or wholly within the Shoreland Zone Districts shall comply with the Minimum Shoreland Zoning Ordinance For the Town of Carmel. No variance may be granted for new or expanded mobile home park lots for lot area, lot width or setbacks within the Shoreland Zone Districts.

7.3 All structures to be located on a lot in a mobile home park which abuts a public road shall meet the minimum setback requirements found in Article VII Section 4, of the "Zoning Ordinance".

7.4 Carports constructed of non-combustible materials are not subject to side setback requirements. One carport may serve a maximum of two lots in a mobile home park.

7.5 The Planning Board may allow a waiver of lot side setbacks to be reduced to 5 feet, provided a distance of 20 feet is maintained between units for the purpose of providing more usable yard space on one side of the home. Such a waiver shall be requested in writing prior to submission of the Final Plan for approval. If such a waiver is granted by the Planning Board, the location of mobile homes upon such lots shall be indicated on the Final Plan.

7.6 A minimum 20 feet separation distance shall be maintained between all manufactured homes in all directions to reduce the risk of exposure from fire in an adjacent unit.

7.7 Lot coverage - All structures on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.

7.8 Buffer Strips Required -

7.8.1 A continuous landscaped buffer strip or an existing wooded area not less than 50 feet in width, the first 25 feet in width as measured from the exterior boundaries shall contain evergreen shrubs, trees, fences, walls, or any combination of the above which forms an effective, year-round visual barrier from abutting properties. The required buffer strip shall be located along any Mobile Home Park boundary which abuts land used for residential use shall be required if the per acre density of homes within the park is at least 2 times greater than:

- a. the density of residential development on immediately adjacent parcels of land; or
- b. the maximum net residential density permitted (if the immediately adjacent parcels of land are undeveloped), excluding Shoreland Zone Districts: 1 dwelling per 87,120 square feet (1 per 2 acres).

7.8.2 No structures, streets, or utilities shall be permitted in the buffer strip, except that utilities may cross a buffer strip to provide services to a mobile home Park.

ARTICLE VIII. CONVERSION OF PARK PROHIBITED

8.1 CONVERSION OF PARK- No lot in a mobile home park may be sold or otherwise conveyed without prior written approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the district in which it is located.

ARTICLE IX. PARKING REQUIREMENTS

9.1 On-Street parking shall be prohibited unless an eight (8') parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is provided.

9.2 No mobile home park lot may have vehicular access directly on to a State Highway.

9.3 For each mobile home lot there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum two hundred square feet (200 sq.ft.) with minimum dimensions of 10 feet wide by 20 feet long. This requirement may be waived by the Planning Board, upon written request, on private roads only, if an equivalent number of spaces is provided by a parking lane.

9.4 Off-street guest and service vehicle parking shall be provided within the boundaries of the park at a ratio of one (1) space for each four (4) mobile home lots. Such parking is in addition to the occupant parking requirements required in Section 9.3. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

ARTICLE X. UTILITY REQUIREMENTS

10.1 All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

10.2 Where underground utilities are provided within the park, no water or sewer lines shall be placed within the paved way of the mobile home park roads, except to cross park roads at an angle to the centerline of the traveled way not less than sixty (60) degrees.

10.3 All underground water and sewer lines shall have building sewers and water service connections brought to the edge of the right-of-way prior to paving.

ARTICLE XI SIDEWALKS AND WALKWAYS

11.1 All mobile home parks shall provide paved pedestrian walkways that link all units and all service and recreational facilities.

11.2 All sidewalks/walkways shall be a minimum width of three (3) feet.

11.2.1 A portion of the roadway may be reserved for sidewalk/walkways, provided the width of the right-of-way and paved area is increased accordingly.

ARTICLE XII LIGHTING

12.1 Outdoor lights shall be provided to adequately illuminate all internal streets and pedestrian walkways, excluding walking/jogging trails, where lighting is recommended but not required.

12.2 Lights shall be sized and directed to avoid adverse impact on adjacent properties

ARTICLE XIII. SIGNS PROHIBITED; EXCEPTIONS

All signs and advertising devices shall be prohibited in a mobile home park; except:

13.1 One (1) identifying at each entrance of the mobile home park, not to exceed the maximum permitted by the Carmel Zoning Ordinance; and

13.2 Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement and services, no sign larger than three (3) square feet in area; and,

13.3 One (1) "FOR SALE" sign, no larger than six (6) square feet, shall be permitted to be placed on a lot upon which a mobile home is for sale. No "For Sale" sign may be placed at or near the entrance to the park, except a "For Sale" sign advertising the sale of the entire mobile home park.

13.4 One (1) name number sign may be placed by the Owner or tenant of a lot, not to exceed two (2) square feet in area.

13.5 No sign may be placed so as to interfere with vehicle/driver sight distance.

13.6 Each lot shall be identified by a lot number sign, having reflective numerals not less than three (3) inches high, placed and maintained by the owner of the mobile home park.

ARTICLE XIV STORAGE REQUIREMENTS

14.1 At least three hundred (300) cubic feet of enclosed tenant storage facilities shall be provided on or near each mobile home lot for the storage of materials and equipment of the tenant.

ARTICLE XV STORM DRAINAGE

15.1 A storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements.

15.2 The storm drainage plan shall be based upon mitigating the impact of a 25 year frequency storm with no increase in impact over the conditions of the site prior to development.

15.3 The engineer may use the "Rational Method" or the standards found in "TR-55 Urban Hydrology For A Small Watershed".

ARTICLE XVI GROUND WATER

16.1 All mobile home parks utilizing on-site wastewater disposal systems shall provide an assessment of the impacts of the park's development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer skilled in groundwater assessment and shall include the following:

16.1.1 A map showing the basic soil types.

16.1.2 The depth to the water table at representative points through out the mobile home park.

16.1.3 Current drainage patterns and conditions throughout the mobile home park after development.

16.1.5 Data on the existing groundwater quality, either from test wells on-site or from existing wells on abutting properties.

(The need for test wells on-site shall be determined by the Planning Board prior to acceptance of the Preliminary Plan.)

16.1.6 An analysis and evaluation of the effect of the proposed mobile home park on available ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrite-nitrogen concentrations at all wells within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1000) feet from potential contamination sources. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentration shall also be provided.

16.1.7 In addition, a map shall be provided showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

16.2 Standards

16.2.1 Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60[^] of annual average precipitation).

16.2.2 No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards.

16.2.3 No mobile home park may be approved for which the ground water assessment plan shows the potential for an increase of any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

16.2.4 All mobile home parks which utilize on-site ground water supplies for all or part of the domestic potable water supply shall provide demonstrable evidence of satisfactory treatment of the ground water if:

- a. the groundwater contains contaminants in excess of the primary standards; or,
 - b. the groundwater contains contaminants in excess of the secondary standards,
- the mobile home park shall not cause the concentration of the parameters in questions to exceed the ambient concentration.

16.3 Subsurface wastewater disposal systems and drinking wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a condition of approval upon the Final Plan.

ARTICLE XVII ADMINISTRATION OF A MOBILE HOME PARK

17.1 The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites.

17.2 Park management shall conform to all State Laws.

17.3 Compliance with this ordinance shall not exempt the park owner, developer, operator or manager from complying with other applicable local, state, and federal codes, rules and regulations.

ARTICLE XVIII ENFORCEMENT AND VIOLATIONS

18.1 The Code Enforcement Officer, upon finding any provision of this Ordinance, or any condition(s) of approval or condition(s) of a permit issued under this Ordinance, is being violated, is authorized to issue notices of violations, orders to correct, and schedules to correct; to enter into administrative consent decrees and agreements; and to institute legal proceedings to enjoin violations of this Ordinance and to recover fines and costs in accordance with the provisions of this Ordinance.

18.2 All violations of this Ordinance are a nuisance.

18.3 A person who violates the provisions of this Ordinance shall be guilty of a civil violation, and shall be fined in accordance with the provisions of Title 30-A MRSA Section 4452. Each violation shall be a separate offense. The minimum fine for violation of any provision of this Ordinance shall be \$100.00 with the maximum fine for a first offense of \$2500.00. Repeated violation of this Ordinance shall result in a minimum fine of \$1000.00 and a maximum fine of \$2500.00 for each offense.

18.4 All fines shall accrue to the Town of Carmel.

18.5 A person found guilty of a violation of this Ordinance by a Maine Court shall be liable for court costs and reasonable attorney's fees incurred by the Town of Carmel in bringing its enforcement action.

ARTICLE XIX APPEALS AND APPEALS PROCEDURES

19.1 An appeal from a decision of Carmel's Code Enforcement Officer or of a fine set by the Code Enforcement Officer in accordance with the provisions of Article 18.0 of this Ordinance lies to the Carmel Board of Appeals.

19.2 An appeal of any decision by the Planning Board based upon the provisions of this Ordinance must be taken to the Carmel Board of Appeals. Appeals shall be submitted to the Code Enforcement Officer, on forms provided by him, accompanied by a check, money order or Treasurer's receipt in the amount of fifty (50.00) dollars to cover the costs of legal advertising and notification of abutters.

19.3 An appeal from a decision by the Carmel Board of Appeals may be taken to the Maine Superior Court, pursuant to Rule 80B of the Maine Rules of Civil Procedure.

19.4 All appeals from decisions of the Code Enforcement Officer or Planning Board must be brought by an aggrieved party within thirty (30) days of the date of the decision being appealed

ARTICLE XX EFFECTIVE DATE AND AMENDMENTS

20.1 This Ordinance shall be effective upon enactment by the governing body of the Town of Carmel.

20.2 This Ordinance may be amended by a majority vote of the eligible voters in attendance and voting at a regular or special town meeting.