

PIPELINE CONTROL ORDINANCE

**TOWN OF WESTPORT ISLAND
PIPELINE CONTROL ORDINANCE
(No date for adoption)
Amended June 29, 2013**

SECTION 1. PURPOSE

In order to assure the comfort, convenience, safety, health and welfare of the people of the Town Of Westport Island and to protect the environment and the natural water sources of the people of the Town of Westport Island, the following Ordinance is hereby adopted.

SECTION 2. – AUTHORITY

This Ordinance is adopted pursuant to and consistent with the Town’s Home Rule authority under 30-A M.R.S.A. Section 3001 and Art. VIII, Pt. 2. Section 1. of the Maine Constitution.

SECTION 3. APPLICABILITY

No person, firm, corporation or other legal entity shall install, construct or lay any pipe, conduit, tunnel, aqueduct or other vessel having a diameter larger than six inches for the transportation of fluid or gas unless they shall have obtained an approval from the Planning Board of the Town of Westport Island, and a permit from the Code Enforcement Officer.

SECTION 4. – PROCEDURE

An application for a permit required under Section 3 of this Ordinance shall be filed with the Planning Board and shall contain:

- 4.A. Name, address and telephone number of applicant,
- 4.B. Statement of the nature of the proposed project and purpose,
- 4.C. Topographic map and survey of area affected by the project, together with description of natural areas affected,
- 4.D. Projected cost of the project,
- 4.E. Specifications of intended materials,
- 4.F. Erosion and sedimentation control measures,
- 4.G. Form for Fire Chief to be notified of the presence of any existing or planned underground propane tanks,
- 4.H. Any federal or state approvals required,
- 4.I. Any other information necessary to show compliance with the standards in **Section 6.** of this Ordinance.

SECTION 5. – FEES

A filing fee is posted on the Fee Schedule at the Town Office and shall be made payable to the Town of Westport Island at or before any review of the application.

SECTION 6. – STANDARDS

The Planning Board, when reviewing an application submitted pursuant to Section 4, shall, in order to protect the public’s health, safety and welfare, determine that the proposed project:

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- 6.A.** Will not adversely affect surface or subterranean water supplies either by contamination or physical damage to a water source;
- 6.B.** Will not result in undue water or air pollution;
- 6.C.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 6.D.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, property values, or rare and irreplaceable natural areas,
- 6.E.** Is in conformance with any applicable local, State or Federal land use or environmental regulation;
- 6.F.** In all instances, the burden of proof shall be upon the applicant.

SECTION 7. – PUBLIC HEARING

Within thirty-five (35) days of receipt of an application the Planning Board shall determine if the application is complete or incomplete. If the application is deemed to be incomplete, the Planning Board shall inform the applicant in writing, of the specific material required to make the application complete within thirty-five (35) days of the receipt of the application. If the application is complete, the Planning Board shall hold a Public Hearing on said application having made notice by publication in a newspaper of general distribution in Lincoln County in Maine, at least seven (7) days before the Public Hearing. Within thirty-five (35) days from the completion of said hearing, the Planning Board shall review the application and issue a decision approving, denying, or approving the application with conditions and shall issue written Findings of Fact and Conclusions of Law regarding the decision. The Board members shall sign the Findings of Fact and Conclusions of Law at the next regularly scheduled meeting of the Planning Board. The applicant shall receive a copy of the written Findings of Fact and Conclusions of Law within ten (10) days of the signing of the document(s). If the decision was made to deny the application, the applicant shall be notified within ten (10) days of the Board's decision. The applicant may then appeal the Planning Board's decision to the Board of Appeals. See **Section 11.**

SECTION 8, - FINAL SUBMISSION

After the Planning Board Public Hearing and the Planning Board review of the application and all required submissions, if the application is determined to be in compliance with all standards in **Section 6**, all information shall be provided to the Code Enforcement Officer who shall issue the required permit.

SECTION 9. – ENFORCEMENT

Any person, firm, corporation or other legal entity who installs, constructs or lays any pipe, conduit, tunnel, aqueduct or other vessel having a diameter larger than six (6) inches for the transportation of liquid or gas without obtaining an approval from the Planning Board shall be subject to a penalty to be determined by the Board of Selectmen. Each day a violation continues shall be considered a separate offense. The Town of Westport Island may enjoin the violation of this section.

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SECTION 10. – EXEMPTION

This Ordinance shall not apply to culverts installed for the purpose of passing surface water under roadways, driveways or other portions of a lot or parcel of land.

SECTION 11. – APPEALS

If a person, firm, or other legal entity is aggrieved by any aspect of this Ordinance, an appeal may be made to the Board of Appeals.

11.A. Any appeal to the Board of Appeals shall be filed on a Board of Appeals application form and shall include all required submissions as well as the Board of Appeals application fee. See the Fee Schedule, application form and instructions at the Town Office.

11.B. All appeals shall be filed within thirty (30) days of the action or decision which is being appealed. The application shall specify all points and reasons for appeal.

11.C. The Board of Appeals shall hold a *de novo* hearing if the decision or action was by the Code Enforcement Officer or an appellate hearing if the decision or action was from the Planning Board, and may affirm, modify or reverse the decision or action. The Board of Appeals shall inform the applicant of the decision in writing within seven (7) days of its decision.

11.D. Any aggrieved party may appeal the Board of Appeals' decision to the Superior Court within forty-five (45) days of the date of such decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

SECTION 12. – SEVERABILITY

The invalidity or unconstitutionality of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.