



**TOWN OF OGUNQUIT
NOTICE OF PUBLIC HEARING**

This meeting is being held at the Ogunquit Fire Department – 2nd Floor. Members of the public may attend in person or remotely via Zoom using the link below.

The Municipal Officers of the Town of Ogunquit will hold a Public Hearing at **9:00 am on Tuesday, March 31, 2026**, at the **Ogunquit Fire Department (2nd Floor) 15 School Street, Ogunquit, Maine.**

The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

- **Article 2 – Attachment 2, Table 703.1 Notes: 15**

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

John Lizanecz
John Lizanecz, Police Chief

Christine L. Murphy
Christine L. Murphy, Town Clerk

Posted: March 24, 2026
Ogunquit Town Office, Ogunquit Post Office
Ogunquit Transfer Station, WOGT

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Ogunquit Playhouse Foundation Amendment to Table 703.1 Dimensional Requirements for SG3 Zone.

ZONING

225 Attachment 2

Town of Ogunquit

Table 703.1

Dimensional Requirements of Each Zoning District

[Amended 4-1-2006; 11-4-2008, effective 4-1-2009; 6-12-2012; 6-12-2018; 6-11-2019 ATM by Art. 5; 6-8-2021 ATM by Art. 9; 6-11-2024 ATM by Art. 12]

District	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SG3	SP	RP
Minimum Lot Area (square feet)																
With public sewer and water ¹⁵	12,500	12,500	30,000	30,000	None	10,000 ¹	20,000	10,000 ¹	N/A	30,000 tidal 40,000 non-tidal	40,000	None ¹	None	30,000	NP	NP
Without public sewer and water ¹⁶	30,000	30,000	60,000	60,000	N/A	N/A	20,000 ¹	N/A	200,000 ⁴	30,000 tidal 40,000 non-tidal	N/A	N/A	N/A	N/A	NP	NP
Minimum Net Residential Area Per Dwelling Unit (square feet)																
With public sewer and water ¹⁷	12,500	12,500	30,900	30,000	12,500	12,500	20,000	12,500	N/A	30,000 tidal 40,000 non-tidal	40,000	12,500	None	12,500	N/A	N/A
Without public sewer and water ¹⁷	30,000	30,000	60,000	60,000	N/A	N/A	40,000	N/A	60,000	30,000 tidal 40,000 non-tidal	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Street and Shore Frontage (feet)																
With public sewer and water	75	75	100	100	None ³	75	100	75	N/A	150 tidal 200 non-tidal	200	100	None	100	Note 2	Note 2
Without public sewer and water	100	100	100	100	N/A	N/A	100	N/A	250 ⁴	150 tidal 200 non-tidal	Note 2	Note 2	Note 2	N/A	Note 2	Note 2
Setbacks (feet)																
Front ⁵	20	20	30	30	10 ⁶	20	30	20	50 ⁷	Note 2	Note 2	10 ⁸	15	30	Note 2	Note 2
Side and rear ⁵	15	15	20	20	10 ⁶	10 ¹⁰	15 ¹	10 ¹⁰	20	Note 2	Note 2	10 ⁹	None	None	Note 2	Note 2
From vernal pools (significant or non-significant, see § 225-1.3F)	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
From water bodies and wetlands that meet the criteria for inclusion in the Shoreland Zone	75	75	75	75	75	75	75	75	75	75	75	50	50	75	75	75
Maximum Building Coverage																
With public sewer and water	30%	30%	20%	20%	None	30%	30%	30%	N/A	20 ¹¹	20 ¹¹	20 ¹¹	20 ¹¹	70% ¹²	0%	0%
Without public sewer and water	20%	20%	10%	10%	N/A	N/A	30%	N/A	20%	20 ¹¹	N/A	N/A	N/A	N/A	0%	0%

OGUNQUIT CODE

District	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SG3	SP	RP
Maximum Building Height¹⁷																
Feet	35	35	35	35	35	35	35	35	35	35	35	35	27	35 ¹⁵	35	35
Stories	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2 ¹⁵	2 1/2	2 1/2

NOTES:

1. For a residential use, the minimum lot area shall be 12,500 square feet.
2. Same as nearest adjacent non-shoreland zone.
3. For residential use, the minimum lot area shall be 30,000 square feet.
4. For residential use, the minimum lot area shall be 60,000 square feet and the minimum street frontage shall be 100 feet.
5. Residential uses, except accessory dwelling units on the second floor above a commercial use, shall require a minimum street frontage of 75 feet.
6. The minimum front setback for a structure existing on the effective date of this chapter shall be 10 feet or the existing structure's front setback, whichever is less.
7. The minimum front setback for a structure existing on the effective date of this chapter shall be 50 feet or the existing structure's front setback.
8. The side and rear setbacks for a structure abutting a residential use shall be 15 feet. The minimum side and rear yards for a structure existing on the effective date of this chapter shall be the setback indicated above or the existing structure's setback, whichever is less.
9. The side and rear setbacks for a structure abutting a residential use shall be 25 feet. The minimum side and rear yards for a structure existing on the effective date of this chapter shall be the setback indicated above or the existing structure's setback, whichever is less.
10. The side and rear setbacks for a structure abutting a residential use shall be 15 feet.
11. In the Shoreland Zones, the total area of all buildings, structures, parking lots and any other nonvegetated surfaces shall be included in the computation of maximum building coverage, and shall not exceed the indicated percentage of the lot area, or portion of the lot area thereof, located in the Shoreland Zone. See definition of "coverage, building" in Article 2.
12. No structure shall contain more than 2 1/2 stories or the indicated height.
13. Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of the zones in which they are located according to Table 703.1, as well as the standards of §§ 225-3.5 and 225-9.8.
14. In the SG3 District, if proposed new development on a lot would cause the total building coverage on that lot, including those portions of that lot that were legally occupied by buildings, structures, parking lots and any other nonvegetated surfaces on the effective date of this footnote 14, to exceed 40%, all new development that would increase the building coverage on that lot above 40% shall conform with the Low Impact Development Practices set forth in Volume III, Chapter 10, of the "Maine Stormwater Best Practices Manual" published by the Maine Department of Environmental Protection. Under no circumstances shall the total building coverage on any lot exceed 70%.
15. In the SG3 District, for that portion of a nonprofit performing arts theater commonly known as a "fly tower," which encloses apparatus commonly known as a "fly system" employed to lift from, or lower to, the stage area items such as scenery, lighting and/or other equipment or utilities, the maximum building height shall be 85 feet, regardless of the number of stories. In addition, for that part of a nonprofit performing arts theater commonly known as the "back-of-house," which is located behind the stage and fly tower and is ordinarily inaccessible to members of the public attending performances, the maximum building height shall be 50 feet or three stories, whichever is greater.
Additionally, the maximum building height for a nonprofit performing arts theater building, excluding the Fly Tower, shall be 55' or four stories, whichever is greater.
16. When single-family units 2-4 are proposed, the base lot size requirements shall double per unit.
17. When single-family units 2-4 are proposed, the base lot net density shall double per unit.



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The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

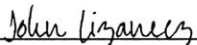
- **Article 2 – Definitions**, §225-2.2 *Stormwater Management*
- **Article 8 – General Standards Applicable to All Land Uses**, §225-8.5.B *Prevention of erosion*
- **Article 8 – Additional requirement in the Shoreland Zone**, §225-8.10.7.B *Off-street parking and loading*

Chapter 240 – Subdivision Regulations


- **Article 6 – Preliminary Plan for Subdivision**, §240-6.1.G *Procedure*
- **Article 7 – Final Plan for Subdivision**, §240-7.3.13, §240-7.3.14 *Submissions*
- **Article 10 – Street Design and Construction Standards**, §240-10.5.2 *Storm drainage design standards* and §240-10.6.A *Storm drainage construction standards*

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.



John Lizanecz, Police Chief



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Storm Water Management language – Review proposed changes
(§ 225-2.2, §225-8.5, §225-8.10, §240-6.1, §240-7.3, §240-10.5,
§240-10.6)

225-2.2 Definitions

Stormwater Management

The variety of techniques aimed at controlling and treating untreated, contaminated rainwater and melted snow runoff to mitigate issues such as flooding, erosion and pollution in natural waterways.

§ 225-8.5. Prevention of erosion.

- A. No person shall perform an act or use land in a manner which would cause substantial or avoidable erosion, create a nuisance or alter existing patterns of natural water flow in the Town. This shall not affect any extractive operations complying with the standards of performance specified elsewhere in this chapter.
- B. All development shall generally comply with the provisions of the Maine Erosion and Sedimentation Control Handbook for Construction Best Management Practices published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, ~~1991~~current edition.
- C. All applicants for a permit for development on slopes greater than 15% shall be required to submit a soil erosion and sedimentation plan meeting the standards of the County Soil and Water Conservation District and the Maine Department of Agriculture, Conservation and Forestry. In addition, all applicants proposing development on slopes greater than 25% shall be required to submit engineering or architectural information which indicates that the development is designed for the site in a proper manner as the Code Enforcement Officer may reasonably require. **[Amended 6-8-2021 ATM by Art. 9]**

minimum of 4% of the total parking spaces for vehicles with handicapped registration plates, but in no case less than one space. Handicapped spaces shall be designed according to ANSI Standard A117.1-1986. All handicapped spaces shall be identified with signs no smaller than nine inches wide by 12 inches high, posted four feet from the ground. When parking areas are paved, handicapped spaces shall also be identified by painted markings on the pavement.

- (b) In accordance with 30-A M.R.S.A. § 3009, owners of private off-street parking shall arrange for private enforcement or shall enter into agreements with the Ogunquit Police Department to enforce handicapped parking restrictions.
- (7) Additional requirements in the Shoreland Zones. **[Amended 6-8-2021 ATM by Art. 9]**
- (a) Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
- (b) Parking areas shall be designed to ~~prevent stormwater runoff from flowing directly into a water body and~~ **retain all stormwater runoff onsite,** where feasible, ~~to retain all runoff on site.~~
- (8) Except for transient accommodations and residential uses, the Planning Board may reduce the requirements of this section for the number of parking spaces where it is shown that the application meets one or more of the following standards:
- (a) Appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of public transit, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use to justify the waiver request;
- (b) A public parking lot is located within 500 feet of the proposed use;
- (c) Appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of adequate and safe pedestrian facilities and crosswalks, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use to justify the waiver request; or
- (d) The owner or operator of the proposed use will provide valet parking service for customers or patrons. **[Amended 11-3-2009]**
- (9) The Planning Board may require additional information to be provided by the applicant in support of any request for a waiver of parking requirements, including but not limited to:
- (a) Projections regarding how many customers or patrons will arrive at the proposed use at various times of day, by each possible mode of transportation;
- (b) Proposed hours, methods, and locations for the provision of valet parking; or
- (c) Distance measurements and/or diagrams showing connections to pedestrian or

hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least 10 days prior to the hearing. **[Amended 11-3-2020 STM by Art. 3]**

- G. The Land Use Office shall notify the Director of Public Works, Police Chief, and Fire Chief of the proposed subdivision application. The Board shall request that these officials review the application and comment upon the adequacy of their department's existing capital facilities to service the proposed development. The Land Use Office shall also notify the Conservation Commission **and other appropriate boards, commissions and committees as required by the Code Enforcement Officer** of the application, request comments on whether the application meets the standards of Town ordinances with respect to environmental matters, and invite the Commission to participate in any scheduled hearings.
- H. Within 30 days of a public hearing or within 60 days of finding the application complete if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, the Planning Board shall take action to give preliminary approval, with or without conditions, or deny such preliminary plan. The reasons for any conditions required or the grounds for denial shall be stated upon the record of the Planning Board and shall be issued, in writing, to the applicant. **[Amended 11-3-2020 STM by Art. 3]**
- I. When granting approval of a preliminary plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
- (1) The specific changes which it will require in the final plan.
 - (2) The character and extent of the required improvements for which waivers of submissions or review standards may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
 - (3) The construction items for which cost estimates and performance guarantees will be required as a prerequisite to the approval of the final plan, pursuant to § 240-10.9.
- J. Approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final plan, the Planning Board may require additional changes as a result of further study of the project in final form or as a result of new information obtained at any public hearings.

drainageways on or adjacent to the property to be subdivided.

- (11) The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
- (12) Street plans meeting the requirements of Article 10.
- (13) A stormwater management plan, prepared by a licensed professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (most recent version). The Board may not waive submission of the stormwater management plan unless ~~the subdivision is not in the watershed of a great pond,~~ the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. **[Amended 11-3-2020 STM by Art. 3]**
- (14) An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, most recent version. The Board may not waive submission of the erosion and sedimentation control plan unless ~~the subdivision is not in the watershed of a great pond,~~ the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. **[Amended 11-3-2020 STM by Art. 3]**
- (15) If applicable, the location of any streets, public improvements, or open spaces shown in the Comprehensive Plan or capital improvements program that fall within the boundaries of the proposed subdivision.
- (16) All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land are to be offered to the municipality, written evidence that the Select Board is satisfied with the legal sufficiency of the written offer to convey title shall be included.
- (17) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan.
- (18) Evidence that the applicant has the financial and technical capacity to implement the

§ 240-10.5. Storm drainage design standards.

- A. Adequate provision shall be made for disposal of all stormwater collected in streets and areas tributary to the street system and underground water through ditches, culverts, under drain and/or stormwater drainage systems.
- (1) All stormwater systems shall be designed to meet the criteria of a ~~twenty-five-year~~ **fifty year** storm based on rainfall data from Weather Bureau records in Portland. **[Amended 11-3-2020 STM by Art. 3]**
 - ~~(2) Appropriate **Industry standard** conveyances for outlets to drainage systems must be provided. ~~Asphalt-coated steel culverts and asphalt-coated steel pipes or equivalent shall be used where drainage is required.~~~~
 - (3) In any case, the minimum pipe size for any storm drainage pipe shall be 12 inches. Catch basins of an appropriate size and type shall be installed where necessary and shall be located generally at the curblineline. Catch basins shall be placed away from the line of traffic flow; however, they shall be adequate in design and strength to accommodate vehicle traffic.
- B. Upstream drainage shall be accommodated by an adequately sized system for existing conditions and future potential development in the upstream drainage area or areas tributary to the proposed Town way. The adequacy of the proposed system(s) shall be determined by the Planning Board.
- C. Existing or future downstream drainage requirements shall be studied to determine the effect of proposed drainage. The applicant shall demonstrate to the satisfaction of the Planning Board that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed street.
- D. Where open ditches, channels, streams or natural drainage courses are used either to collect or discharge stormwater, adequately sized perpetual easements shall be provided and appropriate erosion control measures taken. No stormwater will be permitted to drain across a street or across an intersection.
- E. Under drainage systems. Where subsurface solids are of the nature to require an under drainage system, under drains shall be installed and discharged not to degrade the environment. An under-drainage system shall be installed to properly drain all springs or areas where the groundwater level is too high and would cause a hazard to the stability of the roadway base.

§ 240-10.6. Storm drainage construction standards.

- A. All material used for storm drainage construction shall be in conformity with State of Maine Specifications for Highways and Bridges, most recent version. In addition, the quality of stormwater flows off the street shall be addressed. Retention of the $\frac{1}{2}$ 1 inch from a storm event for 24 hours by an oil and gas separator catch basin (properly maintained) or other stormwater quality improvement measures may be necessary, as determined by the Planning Board, to minimize or eliminate sediments, hydrocarbons or other contaminants from the stormwater leaving the right-of-way. Whenever possible, low-impact development standards (LID) shall be incorporated into the site design. **[Amended 11-3-2020 STM by Art. 3]**
- B. General construction requirements.
- (1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
 - (2) Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drainage is obtained, in writing, from the Planning Board.
 - (3) Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. In straight runs, manholes shall be placed at a maximum of 400-foot intervals.
 - (4) When necessary, outlets shall be terminated in an end wall or concrete construction or shall be riprapped to prevent erosion or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.



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The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

- **Article 2 – Definitions, §225-2.2 Accessory Building or Structure – Shed**
- **Article 9 – Standards for Specific Land Uses, §225-9.24 Sheds**

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

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Sheds revisions (§225-2.2, §225-9-24)

225-2.2 Definitions.

ACCESSORY BUILDING OR STRUCTURE

A subordinate building or structure which is incidental to the principal building. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Accessory buildings or structures with the exception of sheds, shall meet all dimensional requirements of this chapter.

Shed

A small, single -story structure used for storage and not designed for human habitation.

225-9.24 Sheds

A shed, as defined in Article 2 of this chapter, shall be permitted, provided all of the following conditions are met:

- A. Shed affixed to a foundation is an accessory structure.
- B. A shed may be no more than a maximum of 64 square feet and no more than 8 feet in height.
- C. Setbacks will be as follows: Front: no change from Table 703.1. Side and Rear: five feet.



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- **Article 3 – Nonconformance**, §225-3.3.E *Nonconforming structures*

of the Ogunquit Municipal Code.

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Amendment for Nonconforming structures (§225-3.3)

§ 225-3.3

- E. Reconstruction. Any nonconforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or the owner's agent may be restored, rehabilitated or reconstructed, provided that the restoration, rehabilitation or reconstruction shall not enlarge the overall floor space or height of the building or cause the building to become more nonconforming. A permit for such reconstruction must be obtained and actual reconstruction must be commenced within 12 months and completed within 24 months of the damage or destruction. Nothing in this subsection shall prevent the demolition of the remains of any building so damaged or destroyed, or shall prevent the reconstruction or rehabilitation of accessory site features exempted from the definition of "structure" in this chapter. Notwithstanding the foregoing, municipal structures that are nonconforming as to height may be reconstructed to a height within but not to exceed an additional 25% of the height of the municipal structure, regardless of the cause of the damage or destruction of the structure, for the purpose of retaining the historical character and aesthetics of said nonconforming structure. This exception is contingent upon the Code Enforcement Officer's approval of a detailed survey that includes the documented height of the original structure before damage or destruction. **[Amended 6-12-2012; 6-11-2024 ATM by Art. 10]**
- F. Discontinuance. Discontinuance of the use of a legally existing nonconforming structure shall not constitute abandonment of the structure. Conforming uses of the structure may be revived at any time, provided that the conforming uses comply with the requirements of Articles 8 and 9.
- G. Nonconforming structures, lack of required parking or loading space. A structure which is nonconforming as to the requirements for off-street parking space shall not be enlarged or altered unless off street parking space is provided for the original structure sufficient to satisfy the requirements of this chapter and unless additional off street parking space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this chapter. A structure which is nonconforming as to requirements for off-street loading space shall not be enlarged or altered unless off-street loading space is provided for the original structure or use sufficient to satisfy the requirements of this chapter and unless additional off-street loading space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this chapter. This subsection shall not apply to changes in a permitted use that will not require additional parking nor to alterations that will not require additional parking.
- H. Additional requirements in any Shoreland Zone. **[Amended 11-4-2008, effective 4-1-2009]**
- (1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Table 703.1.¹ A nonconforming structure made be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Subsector H(1)(a), (b), (c) and (d) below.
 - (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even

1. Editor's Note: Table 703.1 is included as an attachment to this chapter.



**TOWN OF OGUNQUIT
NOTICE OF PUBLIC HEARING**

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The Municipal Officers of the Town of Ogunquit will hold a **Public Hearing at 9:00 am on Tuesday, March 31, 2026, at the Ogunquit Fire Department (2nd Floor), 15 School Street, Ogunquit, Maine.**

The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

- **Article 6 – Planning Board**, §225-6.6.E Procedures for site plan review
- **Chapter 225 – Zoning Ordinance**, Table 702.1 Notes: 15

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

John Lizanecz
John Lizanecz, Police Chief

Christine L. Murphy
Christine L. Murphy, Town Clerk

Posted: March 24, 2026
Ogunquit Town Office, Ogunquit Post Office
Ogunquit Transfer Station, WOGT

Connecting by computer or mobile device: Register in advance or at the time of the meeting:

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Streamline Change of Use Process (§225-6.6, §225-Table 702.1)

§ 225-6.6. Procedures for site plan review. [Amended 4-1-2006]

A. No permit for any new use or structure indicated as requiring a site plan review in Table 702.1¹ shall be issued by the Code Enforcement Officer until a site plan review approval is obtained from the Planning Board. The applicant shall have the burden of proving that its site plan review application is in compliance with the requirements of this chapter. If the proposed use or structure requires design review under Article 11 of this chapter, the design review application may be reviewed concurrently with the site plan review application.

B. Changes to existing uses or structures requiring site plan review.

(1) A use or structure which is listed as subject to site plan review in Table 702.1² may not be changed to another use or structure requiring site plan review, nor may the use or structure be expanded or altered, unless a site plan approval is obtained from the Planning Board. "Expansion" shall be defined as:

- (a) Any increase in floor area or land area devoted to a use requiring site plan review;
- (b) In the case of a restaurant use, the addition to any indoor or outdoor seating capacity;
- (c) In the case of a transient accommodation project classified other than TA-1, any additional rooms or units; or
- (d) Any additional parking spaces devoted to a use requiring site plan review.

(e) **Commercial Changes of Use that do not meet the criteria of (a) through (d) above and require no significant exterior changes may be approved by the Code Enforcement Officer without Site Plan Review.**

(2) No changes of any kind shall be made in any previously approved site plan without approval of such changes by the Planning Board.

C. Application procedure.

(1) Fees.

- (a) A person informed by the Code Enforcement Officer that a proposed use requires site plan review approval shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs. Filing fees for site plan review shall be set annually in a fee schedule adopted by the Select Board.
- (b) In complex cases requiring extensive use of the Town's planning, legal, and/or engineering consultants, the applicant may be required by the Planning Board, after its initial review of the application for completeness, to pay an additional technical review fee to be deposited in a special account designated for that site plan application, to be used by the Board for hiring independent consulting services to review the application. The amount of the technical review fee shall vary according to the complexity and scope of the proposed project.

OGUNQUIT CODE

Land Uses	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	Shoreland Zones							
										SLR	SLC	SG1	SG2	SG3	SP	RP	
Subdivision, as defined in the Ogunquit Subdivision Regulations	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB	SUB
Commercial Uses																	
Amusement center	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Boardinghouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Business and professional office ¹⁵	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Commercial recreation	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Day-care center	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Funeral home	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Greenhouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Kennel, veterinary hospital*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Marina	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Mechanized recreation	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Nursing home	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Outdoor sales, services and storage areas including gasoline stations	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Public utility facility, other than essential services or service drops	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Retail establishments not elsewhere listed ^{1, 15}	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Retail storage and sale of fuel for use on watercraft	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Service establishments not elsewhere listed, including taxi or livery service dispatching offices ¹	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Slaughterhouse/meat packing facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Theatres	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

OGUNQUIT CODE

Land Uses	Shoreland Zones																
	OFR	R	RR1	RR2	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SG3	SP	RP	
Roads, land management	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	SPR
Tenting	A	A	A	A	NP	A	A	A	A	A	NP	NP	NP	NP	A	NP	NP
Yard sale, as defined in Town Code	C	C	C	C	C	C	C	C	C	C	C	C	C	NP	C	C	C

NOTES:

> These uses have specific performance standards in Article 9.

1. No retail sales or services may be offered or solicited except inside of the building in which the retail sales or service establishment is located, except for those exceptions indicated in Notes 5 and 10 below.
2. TA-4 is only allowed in those portions of the SLC District immediately adjacent to the GB2 District.
3. Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, and activities or occupations which are conducted without customers or clients coming to the premises.
4. Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of §§ 225-3.5 and 225-9...
5. As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
6. Type 2 and 3 restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
7. Only permitted with site plan review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
8. Not permitted unless a special exception is granted pursuant to § 775-4.6
9. See special shoreland standards in Article 9.
10. As an exception, within the Shoreland General Development 2 - Perkins Cove (SG2) District, live lobsters landed in Perkins Cove may be sold from vehicles or boats owned or operated by holders of commercial lobstering licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the Bait Wharf II parking area, directly adjacent to the Harbor Master's office. No signs advertising any such outdoor live lobster sales shall be permitted, and lobster sales shall be limited to live lobsters only, and any form of additional solicitation or promotion of other goods, products or services shall be prohibited (regardless of any other provisions of this chapter).
11. Storage of recreational vehicles shall be exempt.
12. Permitted in the SG3 District only as an accessory use to a nonprofit performing arts theater in the SG3 District that constitutes the principal use.
13. Within the SG3 District, the term 'theater' shall include only a nonprofit performing arts theater as defined in Article 2 of this chapter and shall exclude any other type of theater.
14. The existing permanent footbridge over the Josias River, connecting Lots 5-43 and 5-33-B as shown on Tax Map 5 shall remain a permitted use subject to site plan review approval from the Planning Board, but only as an accessory use to a nonprofit performing arts theater as defined in Article 2 of this chapter. No other piers, docks, wharves, bridges and other structures extending over or below the high-water line or within a wetland, temporary or permanent, of any kind shall be permitted in the SG3 District.

15. For changes of use, refer to 225-6.6 B (e)



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The Municipal Officers of the Town of Ogunquit will hold a Public Hearing at **9:00 am on Tuesday, March 31, 2026**, at the **Ogunquit Fire Department (2nd Floor), 15 School Street, Ogunquit, Maine.**

The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

- **Article 8 – General Standards Applicable to All Land Uses, §225-8.12 Signs**

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

John Lizanecz
John Lizanecz, Police Chief

Christine L. Murphy
Christine L. Murphy, Town Clerk

Posted: March 24, 2026
Ogunquit Town Office, Ogunquit Post Office
Ogunquit Transfer Station, WOGT

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A-Frame signs revisions (§225-8.12)

§ 225-8.12. Signs. [Amended 11-6-2001; 4-5-2003; 4-1-2006; 6-8-2010; 6-12-2012; 6-10-2014; 6-9-2015; 6-12-2018]

A. General.

(1) All signs in the Town of Ogunquit shall meet the following standards:

- ~~(a)~~ Freestanding and/or A-frame signs shall be allowed only on private property where they can be placed no closer to the street than the front yard setback allows. Businesses which cannot meet this setback standard may utilize similar signage which must be affixed to the building.
- ~~(b)~~ Freestanding and/or A-frame signs can be no larger than six square feet and any dimension may be no greater than 27 inches wide by 42 inches in height. Freestanding and/or A-frame signs shall be counted towards the total amount of maximum sign area permitted on the property.
- ~~(e)a~~ No business or residential signs may be erected, altered, or relocated without issuance of a permit from the Code Enforcement Officer. Before issuing a permit, the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce this section and all permits issued pursuant thereto.
- ~~(d)b~~ All business and residential signs shall be made of wood, metal or high-density urethane board and may include raised or appliqued wooden lettering or other graphics. The finished graphics of these signs may be carved, painted or of a vinyl material that resembles paint. Signs may not be surfaced with fluorescent or day-glow colors or other reflective material. Gold leaf is permitted. The only exception from these material standards shall be for awnings or advertising signs, as provided by Subsection B below, or for temporary commercial signs, as provided by Subsection A(1)(h) below.
- ~~(e)c~~ Illumination is permitted only by steady, uncolored, external lighting, which is dark sky compliant. [Amended 6-8-2021 ATM by Art. 8]
- ~~(f)d~~ Signs shall be a maximum of 15 feet high.
- ~~(g)e~~ The measurement of sign area shall be based upon the outer perimeter of all boards, panels or sheets of materials as well as the spaces between these materials, but does not include the supporting posts or structural element outside the limits of such perimeter which does not form an integral part of the display. Only one side of a two-sided sign shall be counted in the calculation of allowable sign area. In determining the area of wall signs, the entire area within a continuous perimeter enclosing the extreme limits of the actual letters and characters shall be measured. The area of background color will also be included if it differs from the color of the building itself.
- ~~(h)f~~ Temporary business sign(s) may be used by a new business while awaiting arrival of permanent sign(s), provided the sign is of a durable, weatherproof material; however, temporary sign(s) shall be allowed only until permanent sign(s) is/are

- g) installed or for 60 days, whichever is the shorter period. Each temporary business sign shall be no larger in area or dimension than the conforming permanent sign that will replace it, and shall be placed in a manner and location in conformance with this chapter, as if it were a permanent sign.
- (+h) Any sign which no longer advertises a business that is being conducted, a product being sold, or an activity or campaign being conducted shall, within 30 days, be taken down and removed by the owner or tenant of the premises upon which such sign is located. This provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.
- (+i) Any sign, whether regulated by this section or exempted from regulation pursuant to Subsection A(3) below, shall not be placed in rights-of-way or on other Town properties without express authorization of the Select Board.
- (2) The following types of signs shall be prohibited:
- (a) Roof signs.
 - (b) Strings of pennants, inflated signs, tethered balloons, or banners, unless expressly allowed elsewhere in this chapter.
 - (c) Flags, other than those of any nation, state, city, coalition or other political unit, including, but not limited to, military or veterans groups. In no event shall any flag of any type exceed 50 square feet in area.
 - (d) Internally illuminated signs, including, but not limited to, neon or gas filled tubular signs, light-emitting diode (LED) signs, digital signs, or electronic message center signs. This prohibition shall include signs located inside a building, when such signs are intended to be visible by pedestrians or motorists.
 - (e) Signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement, or which emit audible sound or noise.
 - (f) Signs which appear animated or projected, or which are intermittently illuminated, or of a traveling, tracing, scrolling, or sequential-light type, or signs which contain or are illuminated by animated or flashing light, including, but not limited to, electronic message center type signs, light-emitting diode (LED) signs, or digital signs.
 - (g) Any signs, whether regulated by this section or exempted from regulation pursuant to Subsection A(3) below, placed within the right-of-way of a public way, unless expressly authorized by the Select Board. Any sign which is placed in a public way without such authorization shall be removed by the Code Enforcement Officer, the Public Works Department, or the Police Department. The Code Enforcement Officer shall attempt to ascertain the owner of the sign and within 72 hours of the sign's removal notify the owner of the location of the sign so it may be retrieved.
[Amended 6-8-2021 ATM by Art. 9]



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The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 225 – Zoning Ordinance**, including:

- **Article 9 – Standards for Specific Land Uses, §225-9.1 Accessory dwelling units**

of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

John Lizanecz
John Lizanecz, Police Chief

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Christine L. Murphy, Town Clerk

Posted: March 24, 2026
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Remove the Design Review Requirement for Accessory
Dwelling Units (ADU) (§225-9.1)

§ 225-9.1. Accessory dwelling units. [Amended 4-7-2007; 6-11-2024ATM by Art. 13]

As an accessory use to a single-family dwelling, the creation and renting of a single apartment within the dwelling, attached to the dwelling or freestanding from the main dwelling shall be permitted, provided all of the following conditions are met:

- A. An accessory dwelling unit must meet a minimum size of 190 square feet and shall be no larger than 700 square feet.
- B. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate potable water and wastewater services before the municipality may issue a certificate of occupancy. Written verification under this subsection must include:
 - (1) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;
 - (2) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under Section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under 22 M.R.S.A. § 42;
 - (3) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and
 - (4) If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- C. The primary dwelling is owner-occupied. If leased the accessory dwelling unit shall be occupied by the lessee for a duration of not less than 12 consecutive months. Accessory dwelling units shall not be leased or rented as short-term rentals.
- D. The building is located on a conforming lot for a single-family dwelling in the district in which it is located, or is located on a nonconforming lot as defined in Article 2 of this chapter.
- E. All required permits are obtained for construction of the accessory dwelling unit, including a design review approval in all zoning districts, and a certificate of occupancy is obtained prior to the accessory dwelling unit being occupied.
- F. Any accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as



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The Municipal Officers of the Town of Ogunquit will hold a Public Hearing at **9:00 am on Tuesday, March 31, 2026**, at the **Ogunquit Fire Department (2nd Floor), 15 School Street, Ogunquit, Maine.**

The purpose of this hearing is to consider the enactment of proposed revisions to **Chapter 147 – Public Resources and Conservation – Article VI Shellfish Management Ordinance** of the Ogunquit Municipal Code.

Copies of the proposed ordinance changes are attached and available for public review. All interested people are encouraged to attend and will be given an opportunity to be heard.

John Lizanecz
John Lizanecz, Police Chief

Christine L. Murphy
Christine L. Murphy, Town Clerk

Posted: March 24, 2026
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ARTICLE VI
Shellfish Management Ordinance

[Added 6-16-1998 STM by Art. 3; as amended through 6-11-2013 ATM]

§ 147-27

§ 147-25. Authority.

This article is enacted in accordance with 12 M.R.S.A. §§ 6671 and 6681.

§ 147-26. Purpose.

The purposes of this article **are**:

- A.** is to establish a Shellfish Conservation Program for the Town of Ogunquit **that** which will **seek to** ensure the protection and optimum utilization of shellfish resources within its geographical limits. These goals will be achieved by means which may include:
- B.** consistent with the Comprehensive Plan for the Town of Ogunquit, to assist in (x) protecting, preserving, and enhancing Ogunquit's coastal dune system, shoreline, the Ogunquit River estuary (including this Municipality's shellfish flats therein), wetlands, and marine ecosystems, (y) improving watershed health and water quality, especially within the Ogunquit River estuary, and (z) managing risks from sea-level rise, storm surge, and coastal flooding; and
- C.** to increase public awareness regarding shellfish management and resources within the Town of Ogunquit.

These purposes shall be achieved by various means, which may include:

- A. Licensing of shellfish harvesters (diggers);
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area which harvesting is permitted;
- D. Limiting the minimum size of clams taken **shellfish harvested**; and
- E. Limiting the amount of clams taken **shellfish harvested** daily by a harvester.

§ 147-27. Shellfish Conservation Commission.

The Shellfish Conservation Program **Management Program** for the Town of Ogunquit will **shall** be administered by the Shellfish Conservation Commission consisting of five regular and two alternate members to be appointed by the Select Board for terms of three years **and one year, respectively. The vacancy in the office of a member shall be filled for the unexpired term only. Each member's term of office shall expire June 30th of the year, in which the member's term ends, except that a member may continue to serve until reappointment or until a successor has been appointed to the position.** The Commission's responsibilities include:

- A. Establishing annually, in conjunction with the Department of Marine Resources of the State of Maine (**DMR**), the number of shellfish **harvesting** ~~digging~~ licenses to be issued.
- B. Surveying the ~~clam~~ **shellfish** flats **periodically** to maintain current information on shellfish resources. Such surveys **may** include:
 - (1) Determination of size frequency of the shellfish;
 - (2) Determination of growth;
 - (3) Estimation of the standing crop of shellfish;
 - (4) Collection of harvest data documenting local values of shellfish resources;
 - (5) Estimation of potential yield of the flats;
 - (6) Identification of sources of pollution impacting shellfish populations and location of sources on charts; **and**
 - (7) Identification of other resource problems such as green crab predation on shellfish and competition from mussels;
- ~~(8)~~ **C.** Reseeding and transplanting to make fallow areas productive; and **placing netting and other means to keep spat in the area and to provide for the protection from predators.**
- ~~(8)~~ Placing barriers to keep spat in the area.
- D.** **In collaboration with other applicable Town committees, DMR and other resources, (i) monitoring the health of the shellfish flats and bacteria levels within the Ogunquit River estuary and (ii) making the Town and public aware of high bacteria levels and, when necessary, the need to close the shellfish flats.**
- E.** **Evaluating whether there is a desire to strengthen shellfish harvesting in this Municipality and making recommendations to the Select Board to accomplish this if necessary.**
- F.** **Submitting to the Select Board proposals for the expenditures of funds for the purpose of shellfish conservation management.**
- ~~D.~~ **G.** **Reviewing this article periodically and making recommendations for amendments, on a timely basis.**
- ~~E.~~ **H.** **Securing and maintaining records of shellfish harvest from the ~~this m~~Municipality's managed shellfish areas (and closed areas that are conditionally opened by the Department of Marine Resources **DMR**).**
- ~~F.~~ **I.** **Recommending conservation closures and openings to the Select Board in conjunction with the Area Biologist **Marine Resource Scientist** of the Department of Marine Resources **DMR**.**

G. J. Designing and promulgating a Shellfish Conservation Management Plan in cooperation with the Department of Marine Resources DMR, based on the results of the clam shellfish flat survey, incorporating recommended levels of harvesting on the various flats (as shall be delineated on maps prepared by the Shellfish Conservation Commission). Possible inclusions in such a plan are crop rotation, seed programs and predator control.

H. K. Submitting an annual report to the this mMunicipality and Department of Marine Resources DMR, detailing all funds available, fund expenditures, harvest data, results of all experimental and conservation management programs, enforcement activities and sources of pollution.

I. L. Submitting a recommended fee schedule to the Select Board on an annual basis for licenses, whereupon the Select Board shall then have the authority to accept, reject or amend such fees, as it deems necessary. [Amended 4-7-2003 ATM]

§ 147-28. Definitions.

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

HARVEST — To dig, take, remove or otherwise harvest shellfish in the this mMunicipality.

LOT — The total number of clams shellfish in any bulk pile. Where clams shellfish are in a box, barrel or other container, the contents of each box, barrel or other container constitute a separate lot.

MUNICIPALITY — The Town of Ogunquit, Maine.

NONRESIDENT — Any resident person who has resided in the State of Maine for at least six months prior to the time their claim of such residence is made and who is otherwise not qualified as a resident of the State of Maine who is otherwise qualified as a resident under this article.

PERIOD OF ISSUANCE — The first 90 days during which this mMunicipality reserves or sells issues shellfish harvesting digging licenses each year.

PERSONAL USE – For consumption or use by a license holder or by members of the immediate family or invited guests of the license holder. For avoidance of doubt, personal use does not include sale, trade or barter.

POSSESS — Dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft-shelled clam shell stock.

RESIDENT — A person who has resided in the State of Maine for at least six months next prior to the time histheir claim of such residence is made, and who has resided in this mMunicipality for at least three months prior to the time histheir claim of such residence is made. "Resident" is extended to include (i) nonresident-property tax paying owners of real estate in this mMunicipality (and their immediate family members) for at least three months prior to the time their claim of such residence is made, and (ii) full-time employees of this Municipality.

SHELLFISH/CLAMS — Soft-shell clams ("Mya arenaria").

MUNICIPALITY SHELLFISH CONSERVATION COMMISSION WARDEN— Any certified Municipal Shellfish Conservation Warden of this Municipality who has met the requirements set forth in the DMR Chapter 4 Regulations.

§ 147-29. Licensing.

A. Shellfish digging **harvesting** license.

- (1) **A municipal shellfish digging harvesting license is required to harvest shellfish in this Municipality.** It is unlawful for any person to harvest shellfish in this ~~m~~**M**unicipality without having a current license issued by this ~~m~~**M**unicipality as provided by this article. It shall be lawful to harvest clams **only** during the **approved** date(s) **for which** stated on the license **relates, and it shall be unlawful to harvest on all other dates.** **Harvesting.** Actual digging is limited to daylight hours **on such dates.** It will **shall** be unlawful to dig **harvest only** from sunset to 1/2 hour before sunrise **to 1/2 hour after sunset** on such dates, **and it shall be unlawful to harvest at all other times.**
- (2) A licensee under the age of eight must be accompanied by an adult licensee at least 18 years of age at all times when harvesting shellfish. [Amended 4-7-2003 ATM]

B. **Type Categories of licenses. There are six (6) categories of licenses, as follows:**

- (1) ~~Resident, real property taxpayer and Town employee recreational shellfish license. This~~ **category of** license is available to residents, ~~real property taxpayers and Town employees~~ only of this ~~m~~**M**unicipality. ~~and entitles the holder to harvest no more than one peck of shellfish in any one day for the use of himself and his family, from the shore, flats or coastal waters of this municipality, when and where it is lawful to do so.~~ [Amended 6-11-2013 ATM]
- (2) ~~Nonresident recreational shellfish license. This~~ **category of** license is available to any ~~Maine nonresident, who is not a resident of Ogunquit and entitles the holder to harvest not more than one peck of shellfish in any one day for the use of himself/herself and his/her family, from the shores, flats or coastal waters of Ogunquit when and where it is lawful to do so.~~ [Amended 4-7-2003 ATM]
- (3) ~~Resident commercial shellfish license. No~~ **This category of license is not** available.
- (4) ~~Nonresident commercial shellfish license. No~~ **This category of license is not** available.
- (5) ~~One-time, specific date recreational shellfish license permit. This category of license~~ **is** ~~Will be available on a specified dig harvest date to anyone (resident, nonresident or otherwise) on a first-come, first-served basis, any state, at areas designated by the Town this Municipality.~~ [Amended 4-7-2001 ATM; 10-18-2005 Select Board; 6-11-2013 ATM]
- (6) ~~Ogunquit Shellfish Conservation Commission reserved recreational shellfish licenses. These~~ **This category of** licenses shall be issued to each member serving on the

Commission for less than one year, upon payment of stated fees. Those Commission members having served for more than one year and accumulating 10 or more hours of service time doing clam shellfish surveys, testing, or anything that benefits the Commission during the previous year shall be entitled to a free license. [Amended 4-7-2001 ATM]

(7) C. License must be signed **and consent to inspection**. The licensee must sign his or her **their** license in order to validate it. Any person harvesting clams shellfish in this mMunicipality shall have on his/her **their** person and show to any Shellfish ~~W~~Warden or other law enforcement officer positive identification, when requested, in addition to the license, where required. Any person who signs a shellfish license issued by this Municipality has an obligation to submit to inspection and search for violations related to the license activity by any Shellfish Warden or other law enforcement officer. Any Municipal Shellfish Conservation Warden, within this Municipality, has all the search powers of a marine patrol officer under 12 M.R.S.A. §6025(4). Those powers currently include the power to search without a warrant, upon probable cause, any watercraft or container containing marine organisms possessed or taken in suspected violation of this article.

E.D. Application procedure. Any person may apply to the Town Clerk for ~~the~~ a license or, on a harvesting date, the applicable member of the Shellfish Conservation Commission for a one-time, specific date recreational license, required by this article on forms or in the manner provided by the this mMunicipality.

(7) (1) Contents of the application. The application must be in the form on an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and other information ~~the~~ this mMunicipality may require.

~~(8)~~(2) Misrepresentation. Any person who gives false information on a license application will shall cause said license to become invalid and void.

(9) (3) Records. The Town Clerk or other designated official person of this municipality shall note on the application the date on which the license was issued, sign it and file the application with the his or her records of this Municipality.

(10)(4) Notice. Notice of the number and the procedure for application shall be published in a trade or industry publication which the applicable Mmunicipal Oofficers consider effective in reaching persons affected not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.

(5) Fees. Fees for the various categories of licenses shall from time to time be established by the Select Board, upon recommendation by the Shellfish Conservation Commission. The applicable license fee must accompany in full an application for any license. The Town Clerk shall transfer all such fees received, as well as any fines received from violations of this article to the Town Treasurer. Such fees and fines shall be used by this Municipality for shellfish management, conservation and enforcement.

a. Notwithstanding the foregoing, recreational shellfish license fees shall be waived for

residents 65 years of age or (not to exceed the number therefor set forth in this Municipality's shellfish license allocation application to DMR) older and for individuals 12 years of age or younger on an annual "Youth Day" approved by the Select Board at the recommendation of the Shellfish Conservation Commission. On Youth Day, children 12 years and younger may harvest up to one (1) peck when supervised by a licensed parent or guardian. For example, if a licensed parent or guardian brings five (5) youths, the licensed parent or guardian may harvest one (1) peck, and the youths may collectively harvest one (1) peck.

C.E. Limitation of diggers Harvesters. Because the shellfish resources are limited and because a commercial or recreational digger harvesters can be expected to harvest a certain volume of clams shellfish per year, the number of licenses must be controlled. The number will may vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will shall be followed to exercise the control:

(11) (1) Number of Licenses Established. Prior to October 1 of each year, the Shellfish Conservation Commission with the approval of the Select Board and the Commissioner of Marine Resources will shall establish the number of licenses to be permitted.

(12) (2) Notice to Town Clerk. The Shellfish Conservation Commission will shall notify the Town Clerk, in writing, prior to October 1 of each year the number of licenses to be issued after approval from DMR.

(13) (3) During the period of issuance, the Town Clerk shall issue licenses to residents and nonresidents as allocated for each year on or after November 1 until January 29 90 days after the date on which the first license is sold or reserved for issuance, after which the then-remaining unsold licenses shall be issued on a first-come, first-served basis to residents and nonresidents alike. Pre-sales of licenses may occur prior to November 1, but no license shall be effective until November 1.

A. F. Open license sales. When the Shellfish Conservation Commission determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year, it can change to unlimited license sales within a category.

(1) Notice of the dates, places, times and the procedures for the license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the applicable municipal officers consider effective in reaching persons affected, not less than 10 days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.

(2) For each all license categories, this Municipality shall issue licenses following the issuance guidance set forth in Chapter 7.40(3) of the DMR Regulations. commercial license category, the Town Clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to nonresidents will be issued for every 10 additional resident licenses issued. For each recreational license category, the Town Clerk shall issue one license to a resident and one to a nonresident; thereafter, one nonresident license will be issued for every 10 additional resident

licenses issued. [Amended 10-18-2005 Select Board]

B. G. License expiration date. Each license issued under authority of this article shall expire at 12:00 midnight on the last date of this Municipality's harvesting season for the applicable year 31st day of March, except that one-time, specific date licenses shall be valid only on the specific date for which they were issued.

H. Suspension. Any licensee whose municipal and state shellfish license, as defined in 12 M.R.S.A. §6601, is suspended shall have his/her shellfish harvesting license hereunder automatically suspended for the duration of such state suspension. Any licensee convicted of a violation of this article shall have his/her shellfish harvesting license hereunder automatically suspended for a period of thirty (30) days. Any subsequent conviction shall result in loss of shellfish license for a period of twelve (12) months.

(1) Reapplication. A license whose shellfish harvesting license has been suspended pursuant to this article may reapply for a license only after the suspension period has expired.

(2) Effective date of suspension. The suspension shall be effective from the date of mailing of a notice of suspension by the Town Clerk to the licensee.

§ 147-30. Minimum legal Limitations on size, amount and use of shellfish.

A. Minimum legal size. It is unlawful to possess in this mMunicipality shellfish which are less than two inches in the longest diameter, except that a licensee may possess shellfish that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck. Diggers Harvesters must use a clam digger's harvester's fork or a tined fork with two-inch separation of tines and with a handle no longer than two feet.

B. Maximum amount and personal use of harvested shellfish. A recreational license entitles the licensee to harvest no more than one peck of shellfish on any one day for personal use from the shore, flats or coastal waters of this Municipality, when and where it is lawful to do so.

§ 147-31. Opening and closing of flats.

The Municipal Officers Select Board, with the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest Upon recommendation of the Shellfish Conservation Commission and concurrence of the Department of Marine Resources Scientist of DMR Area Biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers Select Board may call a public hearing on at least 10 days notice published in a newspaper having general circulation in the this mMunicipality stating the time, place and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources DMR. The decision of the Municipal Officers Select Board made after the hearing shall be based on findings of fact.

Notification of the conservation closures or openings within this Municipality shall be provided in accordance with DMR Regulation, Chapter 7.50(C). It shall be unlawful for any person to harvest or possess shellfish from any areas closed by this article in accordance with DMR Regulations, Chapter 7.

§ 147-32. ~~Violations and penalties~~ Enforcement.

This article shall be enforceable by any Shellfish Warden or any other applicable law enforcement officer. ~~A person who violates this article, in any way, shall be punished as provided by 12 M.R.S.A. §§ 6671 and 6681.~~

§ 147-323. ~~Violations and penalties.~~

A person who violates this article, in any way, shall be punished as provided by 12 M.R.S.A. §6671 and §6681.

§ 147-334. When effective; Severability.

This article, which has been approved by the Commissioner of Marine Resources, shall become effective, and continue to be effective after its adoption by the this mMunicipality, provided a certified copy of this article is filed with the Commissioner within 20 days of its adoption.

If any provision of this article or the application thereof to any person or in any way is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, the remainder of this article, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this article shall be severable.