

# **Town of Montville Nuisance Dog Ordinance**

**Adopted: \_\_\_\_\_, 2011**

## **Dog Noise**

No owner or keeper shall permit or allow any dog to habitually bark, howl or make other sounds common to its species if such sounds are disturbing the peace and quiet of another person.

Violators of this regulation shall be subject to a warning for the first offense.

If said violation occurs after a warning issued by any law enforcement officer, animal control officer, or other public official authorized for these purposes, that owner or keeper is subject to a fine of \$25.

Subsequent offenses are subject to a \$50 fine.

All fines are to be made payable to the Town of Montville.

The above shall not apply if any dog is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.

The above shall apply to commercial kennels.

# **Road Entrance Notification Ordinance**

## **Town of Montville**

Enacted \_\_\_\_\_, 2011

### **SECTION 1. TITLE AND PURPOSE**

This Ordinance shall be known as the “Road Entrance Notification Ordinance for the Town of Montville, Maine.” It is enacted by the inhabitants of the town of Montville to inform the Road Commissioner of the location of new road entrances in order to keep track of driveways and culverts and prevent damage to town ways.

### **SECTION 2. AUTHORITY**

This Ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Title 30-A M.R.S.A., Section 3001.

### **SECTION 3. REQUIREMENTS**

3.1 This Ordinance shall apply to all road entrances on town ways commenced after the effective date of the Ordinance. Before the construction of a road entrance begins, the owner shall submit a sketch showing the location and layout of the proposed road entrance to the Montville Road Commissioner. The sketch can be dropped off at the town office.

3.2 After receiving the sketch, the Road Commissioner will contact the applicant to discuss whether and where a culvert is needed.

3.3 There shall be no fee charged for notification.

### **SECTION 4. PENALTY AND ENFORCEMENT**

The penalty for failing to notify the Montville Road Commissioner of the intention to construct a new road entrance prior to its construction shall be \$200, as well as court costs and attorney fees incurred by the Town. The Board of Selectmen shall be responsible for the enforcement of this Ordinance.

### **SECTION 5. VALIDITY AND AMENDMENTS**

5.1 Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

5.2 This Ordinance may be amended by majority vote of the town at any town meeting.

### **SECTION 6. RELATIONSHIP TO OTHER TOWN ORDINANCES**

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

### **SECTION 7. EFFECTIVE DATE**

The effective date of the Ordinance is the date of the adoption by vote at a Town Meeting, March 26, 2011.

**Town of Montville**  
**Board of Appeals Ordinance**  
Enacted \_\_\_\_\_, 2011

**Section 1 Establishment**

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. § § 2691 and 3001.

**Section 2 Appointment**

2.1. Members of the board of appeals shall be appointed by the municipal officers and shall be sworn in by the municipal clerk.

2.2. The board shall consist of five (5) regular members and two (2) alternate members.

2.3. Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be one member for one year, two members for two years, and two members for three years. Alternate board members shall be appointed for three-year terms.

2.4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

**Section 3 Organization, Rules, and Procedures**

3.1. The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one year with eligibility for reelection.

3.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.

3.3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

3.4. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments only when members of the public are allowed to do so, and may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.

3.5. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called at any time by the chairperson or by a

majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

3.6. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

#### **Section 4 Duties and Powers**

4.1. The board of appeals shall adopt by-laws governing board functions.

4.2. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

4.3. The board of appeals shall file all by-laws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

4.4. The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

4.5. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

#### **Section 5 Severability Clause**

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

**Town of Montville**  
**Property Assessed Clean Energy Ordinance**  
Enacted \_\_\_\_\_, 2011

**PREAMBLE**

WHEREAS, the 124<sup>th</sup> Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act;” and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (PACE) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Montville wishes to establish a PACE program; and

NOW THEREFORE, the Town of Montville hereby enacts the following Ordinance:

**ARTICLE I - PURPOSE AND ENABLING LEGISLATION**

§ XX-1 Purpose

By and through this Chapter, the Town of Montville declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (PACE) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and state laws.

§ XX-2 Enabling Legislation

The Town of Montville enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124<sup>th</sup> Maine State Legislature—“An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

**ARTICLE II - TITLE AND DEFINITIONS**

§ XX-3 Title

This Ordinance shall be known and may be cited as “the Town of Montville Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- 1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
  - A. Will result in increased energy efficiency and substantially reduced energy use and:
    - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
    - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
  - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the Trust.
- 2. Municipality.** “Municipality” shall mean the Town of Montville.
- 3. PACE agreement.** “PACE agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- 4. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
- 5. PACE district.** “PACE district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
- 6. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- 7. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

**8. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

**9. Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.

**10. Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

**11. Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

### **ARTICLE III - PACE PROGRAM**

**Establishment; funding.** The Town of Montville hereby establishes a PACE program allowing owners of qualifying property located in Montville who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

**Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

### **ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

**1. Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to

conform this Ordinance and its PACE program to those standards, rules, or model documents.

## **ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

### **1. Program Administration**

**A. PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2) (A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the Waldo County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to non-payment of the assessment;
- vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

**B. Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Town of Montville shall adopt and implement an education and outreach program so that citizens of Montville are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

**C. Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

**D. Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

**2. Liability of Municipal Officials; Liability of Municipality**

**A.** Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

**B.** Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.