

TOWN OF BAILEYVILLE  
WASHINGTON COUNTY, MAINE

AN ORDINANCE REGARDING LIMITATIONS ON THE USE OF CAMPER  
VEHICLES AND OTHER NON-PERMANENT STRUCTURES FOR  
PERMANENT HUMAN HABITATION

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## **SECTION 1. TITLE/PURPOSE, AUTHORITY AND SCOPE**

### **1.1 Title/Purpose**

The title of this ordinance is the Town of Baileyville Ordinance Regarding Limitations on the Use of Camper Vehicles and other Non-Permanent Structures for Permanent Human Habitation.

The purpose of this ordinance is to limit the use of camper vehicles and other non-permanent structures for human habitation because it is the determination of the Baileyville Town Council that their use in Town is deleterious to the health, safety and welfare not only of the persons residing therein but, additionally, of the public at large. Portable heating devices, non-standard electrical connections, a lack of approved sanitary facilities including, but not limited to bathrooms and toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time, occasioned in part because camper vehicles and other non-permanent structures are not intended for use as places of permanent human habitation and do not adequately provide for the needs associated with human habitation.

Notwithstanding the foregoing, this Ordinance shall make allowance for safe, comfortable and sanitary use of camper vehicles and other non-permanent structures for short term, temporary use for human habitation purposes so as to facilitate enjoyment of camping, hunting, silviculture, and most all other out-of door pursuits.

### **1.2 Authority**

The Baileyville Town Council has the power and authority under Maine law to enact this Ordinance as an exercise to regulate human conduct and act in the best interests of public health, safety and general welfare.

As a further basis for this Ordinance, the Baileyville Town Council gives authorization to the Town Manager and his/her agents to enforce this Ordinance to the full extent of the law.

### **1.3 Scope**

This Ordinance shall apply to the use of camper vehicles and other non-permanent structures for human habitation purposes throughout the entire boundaries of Baileyville, Maine.

### **1.4 Interpretation**

Except when set forth expressly herein, it is not the intent of the Baileyville Town Council to abrogate, annul, or repeal any other ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule or regulation, the more restrictive of them shall control.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. The provisions of this ordinance shall be liberally and broadly construed in favor of the Town of Baileyville to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Baileyville.

Where used herein, the word "shall" is mandatory and the word "may" is permissive.

**Severability and Liability:** If a court of competent jurisdiction adjudges any section or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

If any application of this Ordinance to a particular parcel or lot of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other land or parcel not specifically included in said judgement.

## **SECTION 2. DEFINITIONS**

**Auxiliary Structure:** A structure or structures not intended for human habitation on the same parcel or lot, including but not limited to a shed, deck, garage, screen house, picnic shelter, portable storage structure, lean-to and tents and the like.

**Campground:** Any parcel or tract of land owned by a person, state or local government which is designed, maintained, licensed, inspected and intended or used for the purpose of providing sites for non-permanent, overnight use by four(4) or more camper vehicles or tents and is considered a business, whether for profit or not.

**Camper Vehicle:** A vehicle, whether factory built or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self-propelled, including but not limited to recreational vehicles, hitch mount pull behind trailers ,pop-up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self- contained water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use and having a maximum main floor area of 500 square feet or less. Camper vehicle does not include mobile homes, manufactured homes and "park models".

**Improved Parcel:** An improved parcel may have, include or possess any one or more of the following amenities: a dwelling as defined in the Baileyville Land Use Ordinance, a septic system, a septic holding tank, a water well or supply and indoor plumbing.

**Non-permanent structure:** A physical shelter having form and substance including but not limited to floor, walls, windows, wheels, skids, skis, doors and roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current among other utility services, are not permanently attached or incorporated into the

design of the structure in accord with applicable state and/or local codes. This includes but is not limited to tents and tent platforms.

Owner: Any person having a legal or equitable interest in a parcel or lot.

Parcel or Lot: A unit of land legally described and of record with the County Register of Deeds.

Person: Natural persons, partnerships, associations and all other bodies corporate or public.

Sewage: Includes all liquids and water waste from sinks, bathing and toilet facilities.

Special Event: A privately organized, not for profit event wherein people congregate on private property to share and enjoy common interests of the group.

Temporary Human Habitation: The occupation of a camper vehicle or other non-permanent structure for a period of time not to exceed the limits set forth in this ordinance.

Tent: Any temporary place of shelter including but not limited to the traditional canvas or synthetic coverings which provide human sleeping and living quarters for a short period of time.

Unimproved Parcel: A parcel that lacks some or all of the following as defined in the Baileyville Land Use Ordinance: septic system, water well or supply, indoor plumbing.

## **SECTION 3. PERFORMANCE STANDARDS and REGULATIONS**

### **3.1 Limits on Duration of Use**

A. No person may make use of or permit other persons on land under their ownership or control to make use of a camper vehicle or other form of non-permanent structure whether on or off wheels, for permanent human habitation purposes.

B. For purposes of this Ordinance, “permanent human habitation purposes” means the use and occupation by a human being or beings of a given camper vehicle or non-permanent structure as a place for shelter, sleeping, cooking, eating and other occupation typical of what is commonly understood as being that of a living quarter.

C. In no case may any camper vehicle be placed in Baileyville for the purpose of permanent occupancy, nor may it be used as a permanent residence.

D. No camper vehicle shall be parked or stored within 20 feet of any lake, stream, brook, river or wetland, as defined in the Baileyville Shoreland Zoning Ordinance.

E. The site placement of all camper vehicles shall conform to normal “set-back” standards as defined in this Ordinance for the parking or storage of any camper vehicle within any Zoning District with regards to roads, streets, alleys, right of ways and abutting property owners.

F. Set Back distances for camper vehicles will coincide with the appropriate zone classifications as outlined in the Baileyville Land Use Ordinance.

G. No camper vehicle shall be permanently connected or hooked up to a water supply, electrical supply, telephone system, septic system, natural gas/propane supply nor permanently attached to a foundation except that in a properly zoned campground or campground condominium, as permitted pursuant to the laws of the State of Maine. See exception to this rule in Section 3.2

H. No skirting, permanent tie downs or attachments to permanent buildings shall be allowed in regards to any camper vehicle except that skirting and tie downs shall be allowed in a properly zoned and licensed campground as permitted pursuant to the laws of the State of Maine. See exception to this rule in Section 3.2.

I. No "gray water" or sewage shall be drained or dumped from any camper vehicle except into such collection vehicles or septic disposal systems as may be approved by local or State law.

J. All campers shall maintain and display a current license/registration plate if such license is normally required for routine transportation purposes or movement along the roads and highways of the State of Maine.

K. One unoccupied camper vehicle may be stored on an improved lot; no more than two (2) may be stored on a lot of less than five (5) acres.

L. No camper vehicles can be placed for temporary occupancy within the boundaries of Baileyville except for the following reasons:

1. For temporary occupancy while building a permanent dwelling and such occupancy would be restricted to one (1) temporary unit for a ninety (90) day period and may be renewable by the Codes Officer or Town Manager.

M. The Town of Baileyville shall periodically review this Ordinance and may exercise the option of establishing or changing the fee schedule (without notice) unique to camper vehicles for the purpose of collecting reimbursement for rubbish removal, code enforcement and administrative fees.

N. All camper vehicles and non-permanent buildings used for temporary human habitation that were in use prior to the adoption of this ordinance shall be "grand fathered". However, if they are found not to meet the minimum standards as defined in Section 3.2 of this Ordinance, the owner will have 30 days from the date of written notification by the Town of Baileyville, to bring the structure into full compliance as determined by the Code Enforcement Officer/Health Inspector/Fire Chief/Police Chief.

### **3.2 Minimum Requirements for Extended Occupation**

All camper vehicles and non-permanent structures used for temporary human habitation will meet the following criteria in order to be occupied for “extended” periods of time as permitted by the Town of Baileyville:

- A. A minimum of two (2) working smoke detectors.
- B. A minimum of two (2) working oxygen deficiency detectors.
- C. Properly sized GFCI in the kitchen, bathroom areas and outside receptacles.
- D. Two (2) current working fire extinguishers.
- E. Connection to the Town water supply must be pre-approved by the Baileyville Utilities District.
- F. Power supply connections will be pre-approved by the local “power company” and all connections will be performed by a qualified licensed electrician.
- G. Currently registered/ inspected and road worthy, according to Maine laws.
- H. All natural gas/propane appliances used for heating and cooking must be inspected and approved by a qualified technician.
- I. Connection to the Town’s sewer system must be pre-approved by LPI/Code Enforcement Officer.
- J. Connection to a sub-surface wastewater system must be pre-approved and the SSWS must be in good working condition.
- K. For the purposes of this Ordinance, an extended period of time is 90 days or more.
- L. Setback distances must be met.

### **3.3 Special Events**

Notwithstanding the limitations contained in Sections 3.1 and 3.2 above, a person may hold a special event wherein the maximum number of allowable camper vehicles or other non-permanent structures may be exceeded for a maximum of 7 consecutive days. The maximum allowable number of these short term special events shall not exceed 21 days within any contiguous 12 month calendar period. All other provisions contained in this Ordinance shall apply to “Special Events”.

### **3.4 Licensing and Equipment Requirements**

All camper vehicles must be maintained in legal road worthy condition and licensed as required by State and local laws.

The wheels or similar devices for transportation of any camper vehicle shall not be removed except for repairs lasting no more than ten (10) days.

No camper vehicle or non-permanent structure shall be fixed, mounted or attached to the ground, another vehicle or auxiliary structure in any manner that would prevent the ready and immediate removal and transport of the camper or non-permanent structure.

### **3.5 Sewage**

No auxiliary vessels external to the camper vehicle or non-permanent structure intended for the accumulation of sewage shall be allowed, including, but not limited to, rolling containers, barrels, pits, buckets, and non-approved holding tanks or privies.

Commercially manufactured portable toilets, commonly referred to as “Porta Potties”, may be permitted if they are regularly serviced and maintained by a State of Maine and/or locally licensed provider of portable toilet services.

No sewage shall be permitted to be deposited upon the ground or into lakes, ponds, rivers, streams, brooks, or wetlands as defined in the Shoreland Zoning laws of Baileyville. Individuals, groups, organizations, and companies public or private will be held responsible for clean-up of any and all spillage of sewage.

All septic systems, holding tanks or privies on the parcel or lot shall have a sub-surface wastewater permit and the system shall be in good working order.

No camper vehicle or other non-permanent structure intended for or used as a place of human habitation shall be placed upon any parcel of real estate that is serviced by a drilled water well unless the parcel also contains a (LPI) permitted septic system or holding tank for the disposal of sewage.

A camper vehicle or non-permanent structure on an improved parcel may employ the sanitary facilities and water supply associated with said improvements but must be connected by local and/or State certified persons and pre-approved by the Town of Baileyville.

### **3.6 Exceptions**

This ordinance shall not apply to the use and occupation of recreational vehicles and non-permanent structures which are located in a State and locally permitted campground, subject to such regulations as may be enforced by the State and Town pertaining to length of time such a camper vehicle or non-permanent structure can be used continuously at any given time **for** human occupation under regulations for campgrounds.



## **SECTION 4. PENALTIES FOR NON-COMPLIANCE**

The use of any camper vehicle or other form of non-permanent structure for human habitation purposes in violation of this ordinance shall result in the issuance by the Code Enforcement Officer, a letter directed to the owner of the camper vehicle or non-permanent structure, of the need to cease and desist from making use of said camper vehicle or structure for human habitation purposes. The time period allowed for vacation of the temporary structure shall be 24 hours or a written negotiated agreement with the Codes Officer but in any case, shall not exceed 7 days from the time of written notification.

Any person who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of this ordinance, refuses to comply with this ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation and a demand to cease and desist immediately.

In any case where the owner of the camper vehicle or non-permanent structure cannot be located, the owner of the parcel of real estate where the violation(s) occur shall be held responsible for all violations.

The Town Code Enforcement Officer or any law enforcement officer or Town agent from time to time may require owners of camper vehicles or other forms of non-permanent structures used for human habitation to effect compliance with the terms of this ordinance within the time limits outlined in this section, by way of written letter.

### **4.1 Penalties**

Each failure to obey a written order shall constitute a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:

1. Failure to comply with first written notice \$100.00
2. Failure to comply with second written notice \$200.00
3. Failure to comply with third written notice; no less than \$500.00 or \$1000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.

## **SECTION 5. SHORELAND AND FLOODPLAIN ORDINANCES**

All camper vehicles in storage or legally being used as temporary human habitation located within the Floodplain Management Area as depicted on Floodplain maps located at the Baileyville Town office, must be legally registered and certified road worthy by the State of Maine and physically removable via the public road system, within a 30 minute time period upon notification by any agent of the Town of Baileyville.



All camper vehicles and non-permanent structures used for human habitation, located within a Shoreland Zoned District shall comply with the Local and State Ordinances in affect at that time. It is the sole responsibility of the owner to know, understand and comply with local and State ordinances.

## **SECTION 6. VARIANCES**

Variances to the standards of this Ordinance shall be considered by the Baileyville Board of Appeals when accompanied with the proper application and fees. All variance applications must demonstrate that:

1. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
2. The hardship shall of necessity relate to special circumstances pertaining to the owner or occupant of the camper vehicle or non-permanent structure used for human habitation
3. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.
4. The granting of the variance will not materially compromise the goals and policies of the Town of Baileyville, be inconsistent with other applicable regulations or inconsistent with the purpose of this ordinance.

## NOTICE OF PUBLIC HEARING

The Baileyville Town Council will hold a public hearing on April 13, 2015 and April 27, 2015 in the council chambers at 63 Broadway at 5:30pm to receive public comment on a recently proposed ordinance “regarding limitations on the use of camper vehicles and other non-permanent structures for permanent human habitation”.

The public is invited to attend the hearing(s) and comment is encouraged.

Any person unable to attend the meeting(s) but wishing to comment or ask questions about this ordinance can do so at [codeenforcementplanning@baileyville.org](mailto:codeenforcementplanning@baileyville.org)

A copy of the proposed ordinance is available for review during regular work hours Monday – Friday (8:00am – 4:00pm) at the Town Office.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Second Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Adoption \_\_\_\_/\_\_\_\_/\_\_\_\_

**AUTHORIZATION TO EXECUTE**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council.

**EFFECTIVE DATE**

This order shall be effective immediately upon its approval.

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of \_\_\_\_/\_\_\_\_/\_\_\_\_ 2015.

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_

AWS 03/2015

MEMORY TRANSMISSION REPORT

TIME : 04-06-2015 11:21  
FAX NO.1 : 2074276200  
NAME : Town of Baileyville

FILE NO. : 192  
DATE : 04.06 11:21  
TO : 94543458  
DOCUMENT PAGES : 1  
START TIME : 04.06 11:21  
END TIME : 04.06 11:21  
PAGES SENT : 1  
STATUS : OK

\*\*\*SUCCESSFUL TX NOTICE\*\*\*

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JAYNA - 04-06-15  
AS PER OUR PHONE  
CONVERSATION THIS MORNING  
PLEASE PUBLISH THIS NOTICE  
FOR ONE WEEK ONLY (04-09-15)  
THANKS,  
TAMARA SNOWMAN