



**TOWN OF NAPLES  
ORDINANCE REVIEW COMMITTEE AGENDA  
Wednesday, January 15, 2025, 9am – 11am  
Municipal Office Building**

1. Call to Order
2. Attendance
3. New Business
  - A. From Town Manager
    - Amendment to the size/composition of the Budget Committee
  - B. From ORC Member
    - Review Authority for Shoreland Zoning Applications
  - C. From Staff
    - Create a spreadsheet to document and track ORC work?
    - Ordinance Review Committee by-laws
4. Ongoing Business
  - Short Term Rental Ordinance
  - Political Signs
  - Doggy Daycare
5. Schedule Next Meeting
  - February 19, 9:00 am - 11:00 am
6. Adjourn Meeting

March 4, 1983

- ARTICLE 41. To see if the town will vote to carry the 1982 balance of \$1,500.00 in the Selectmen's Office Account.
- ARTICLE 42. To see if the town will vote to carry the 1982 balance of \$3,000.00 for Legal Expenses of the Town.
- ARTICLE 43. To see if the town will vote to raise and appropriate \$200.00 for an animal control officer.
- ARTICLE 44. To see if the town will vote to carry the 1982 balance of \$658.83 for Unemployment Compensation.
- ARTICLE 45. To see if the town will vote to raise and appropriate \$600.00 for Channel 10 ETV.
- ARTICLE 46. To see if the town will vote to raise and appropriate \$200.00 for the Muddy River Snomobile Club.
- ARTICLE 47. To see if the town will vote to raise and appropriate \$1,120.00 for Regional Transportation.
- ARTICLE 48. To see if the town will vote to raise and appropriate \$3,391.00 for Western Maine Counseling Service.
- ARTICLE 49. To see if the town will vote to raise and appropriate \$4,718.00 for Peoples Regional Opportunity Program (PROP).
- ARTICLE 50. To see if the town will vote to raise and appropriate \$900.00 for Holy Innocent's Home Care Service.
- ARTICLE 51. To see if the town will vote to raise and appropriate \$1,000.00 for Community Health Care Service.
- ARTICLE 52. To see if the town will vote to raise and appropriate \$1,200.00 for free band concerts.
- ARTICLE 53. To see if the town will vote to raise and appropriate \$300.00 for the Fourth of July Celebrations.
- ARTICLE 54. To see if the town will vote to raise and appropriate \$300.00 for Southern Maine Senior Citizens.
- ARTICLE 55. To see if the town will set a date when taxes for 1983 shall be due and to set an interest rate of 15% to be charged after that date.
- ARTICLE 56. To see if the town will vote to raise and appropriate \$2,000.00 for the Naples Community Association Swimming Program.
- ARTICLE 57. To see if the town will vote to raise and appropriate \$800.00 for the Baseball Leagues.
- ARTICLE 58. To see if the town will vote to authorize the budget committee to review current municipal insurance policies, and to implement changes, if any, which would standardize coverages, reduce premium costs, and consolidate policies.
- ARTICLE 59. To see if the town will vote to raise and appropriate \$62.15 for the Maine Publicity Bureau.
- ARTICLE 60. Shall an ordinance entitled "establishment of Naples Budget Committee" be enacted?

1. ESTABLISHMENT:

Pursuant to M.R.S.A. Constitutional Article VIII-A and 30 M.R.S.A. Subsection 1917, the town of Naples hereby establishes the Naples Budget Committee.

## 2. ELECTION:

A. The Committee shall consist of twelve (12) members, residents of the town of Naples.

B. Election to the Committee shall be made by the Legislative body at the annual town meeting.

C. The term of each member shall be three years, except the initial election which shall be for one (1), two (2) and three (3) respectively. Four (4) members shall be elected annually.

D. When there is a permanent vacancy, the Board of Selectmen may appoint a replacement member until the next town election, when a person will be elected to fill the unexpired term.

## 3. ORGANIZATION AND RULES:

A. The Committee shall elect a chairperson, a vice-chairperson and a secretary from among its members and create and fill such offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present, except the member who is being challenged.

C. The Committee will meet at the call of either the chairman or vice-chairman.

D. A quorum for a committee meeting which has been announced and members notified will be the number present.

E. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of its resolutions, recommendations, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

## 4. DUTIES: POWERS

A. The Committee shall solicit, review and consider all requests for public funds from the Town of Naples. The Committee may require requests to be submitted by a completed petition.

B. The Committee shall formulate recommendations which will be included in the published annual town report and warrants for special town meetings.

C. The committee shall perform such duties and exercise such powers as are provided by the laws of the State of Maine.

D. The committee may obtain goods and services necessary to its proper function within the limits of appropriations made for that purpose.

ARTICLE 61. Shall an ordinance entitled "establishment of Naples Planning Board" be enacted?

## 1. ESTABLISHMENT:

Pursuant to M.R.S.A. Const. Art. VIII-A and 30 M.R.S.A. Subsection 1917, the town of Naples establishes the Naples Planning Board.

## 2. ELECTION

A. The Board shall consist of five (5) regular members and two (2) associate members, residents of the town of Naples.

B. Election to the board shall be made by the legislative body at the annual town meeting by written ballot. If there are multiple candidates for the planning board offices, the person or persons receiving the most votes shall be elected to fill the vacant regular seat (s) on the board and the person or persons with the lesser number of votes shall fill the vacant associate seat (s) on the board.

**TOWN OF NAPLES**  
**Budget Committee By-Laws**  
Approved at Town Meeting 3/4/83  
Amended at Town Meeting 3/2/91  
Amended at Budget Committee Meeting 4/14/98  
Amended at Budget Committee Meeting 3/14/07  
Amended 2/18/09 and 2/2/2010

1. ESTABLISHMENT:  
Pursuant to M.R.S.A. Constitutional Article VIII-A and 30 M.R.S.A. Subsection 1917, the Town of Naples hereby established the Naples Budget Committee.
2. ELECTION:
  - A. The Committee shall consist of seven (7) members, residents of the Town of Naples.
  - B. Election to the Committee shall be made by the legislative body at the Annual Town Meeting.
  - C. The term of each member shall be three (3) years, except the initial election which shall be for one (1), two (2) and three (3) years respectively. Four (4) members shall be elected annually.
  - D. When there is a permanent vacancy, the Board of Selectmen may appoint a replacement member until the next town election, when a person will be elected to fill the unexpired term.
3. ORGANIZATION AND RULES:
  - A. The committee shall elect a chairperson, a vice-chairperson and a secretary from among its members and create and fill such offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.
  - B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present, except the member who is being challenged.
  - C. The Committee will meet at the call of either the chairman or vice-chairman.
  - D. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, recommendations, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.
4. DUTIES AND POWERS:
  - A. The Committee shall solicit, review and consider all requests for public funds from the Town of Naples. The Committee may require requests to be submitted by a completed petition.
  - B. The Committee shall formulate recommendations which will be included in the published annual Town Report and warrants for special town meetings.
  - C. The Committee shall perform such duties and exercise such powers as are provided by the laws of the State of Maine.
  - D. The Committee may obtain goods and services necessary to its proper function within the limits of appropriations made for that purpose.
  - E. Committee Members are prohibited from communicating with Agencies requesting funds. Members may contact Town Manager with questions though.

**NAPLES BUDGET COMMITTEE**  
Rules Adopted 4/14/98 and 2/24/2010

- A.) Public Meeting to start at 7 p.m. and to run for 2 hours until 9 p.m.  
The day of the week will be selected by the committee.
- B.) Each department/agency requesting funds from the Town of Naples will be scheduled by Town Manager/Budget Committee Chairperson.
- C.) Each department/agency spokesperson (if any) will have 15 minutes to present their budget request.
- D.) A quorum of four (4) members must be present to vote. ~~Proxy forum must be decided by the committee.~~
- E.) Each department/agency may stay to the end of the public meeting.
- F.) Each budget committee member shall have an opportunity to field questions.
- G.) After all the budget requests have been presented, the committee will undertake to vote on each budget and record the results.
- H.) Except for 3.B. of the Town of Naples Budget Committee Bylaws, a majority of the Committee (4 members) must vote in the affirmative to pass a motion.

## NAPLES BUDGET COMMITTEE

Rules Adopted 3/14/07

Rules Adopted 2-18-09

- 1.) During the budget hearing process, the Board of Selectmen, in conjunction with the Budget Committee, sits together and hear the requests for Town funding. This would better inform the Selectmen of the details of the requests and the Selectmen and the Budget Committee could discuss the items as they come up so they could all better inform the residents as to the validity of the requests for funding.
- 2.) Prior to the budget hearing process the Selectmen and the Town Manager determine a “target” municipal mil rate there by giving those involved in the budget process an idea of how much the total revenues from tax dollars they have to spend that year would be. This would be fiscally responsible. It would be a kin to having a household budget and sticking to the guidelines of that budget rather than spending a sum of money that then needs more money to be raised by a tax INCREASE to cover the increase in spending.
- 3.) There are several outside Social Service Agencies that provide services to the people of the Town of Naples. Each year their requests increase. When the services are looked at in total there appears to be duplication of services between agencies. In an attempt to bring spending under control all of the agencies receiving funding from the Town will be put into a “pool” of funds. In the first year this pool would be the total amount of the funding of these agencies from the previous year. The committee would then divide the pool among approved agencies. The town could then determine the amount of the pool to be split by the agencies thereby effectively capping the town spending in this area.  
  
When a new agency requests funds they would apply for inclusion in the pool subject to approval by the budget committee and Selectmen. The Budget Committee and Selectmen would then only be required to look at the validity of a new agency’s request and recommend their continued funding from the “pool” or not.
- 4.) During the budget process of SAD 61, the Budget Committee, as part of the Town budget process, should attend the SAD 61’s budget meetings and represent the interests of Naples taxpayers. This would benefit the committee in making recommendations on the rest of the budget and would greatly increase the town’s participation in the largest portion of the budget spending from its current level.

**Town of Naples**  

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**MUNICIPAL BUDGET COMMITTEE**  
**BY LAWS**

Adopted: 25 November, 2024

**Section I Purpose:**

- A. The purpose of the By-Laws of the Budget Committee is to define the composition, terms of office, vacancies, functions and duties of the Committee

**Section II Organization:**

A. Membership - The Committee shall comprise of such number of members and other representation as determined by Town Meeting adoption March 2<sup>nd</sup> 1979, and who shall serve staggered terms of three years.

B. Officers:

Nominations of, and elections for, all Officers shall be by a majority vote of those present.

1. A Chairman, Vice Chairman and Secretary shall be elected at the first regularly scheduled meeting following Annual Town Meeting, but not later than February 1st.
2. In the case of a vacancy in the position of Chairman after such election, the Vice Chairman shall immediately succeed to the position of Chairman. The Secretary shall thereupon succeed to the position of Vice Chairman. A new Secretary shall be elected at the first regularly scheduled meeting after the Secretary's position becomes vacant.
3. In the case of a vacancy in the position of Vice Chairman after such election, the Secretary shall immediately succeed to the position of Vice Chairman. A new Secretary shall be elected at the first regularly scheduled meeting after the Secretary's position becomes vacant.

**Section III Vacancies**

- A. Vacancies shall be filled by appointment within thirty (30) days by a majority vote of the Selectboard.
- B. The appointed committee member shall serve the remaining term of the vacated position.

**Section IV Duties of Officers**

A. Chairman:

1. The Chairman shall preside at all meetings of the Committee.
2. The Chairman shall schedule all meetings, assemble the agenda and related materials for all regular and special meetings of the committee, schedule a meeting room and have the Assistant to the Town Manager notify all members and the public of said schedule.
3. The Chairman shall execute all documents requiring signature on behalf of the Committee.

B. Vice Chairman

1. In the absence of the Chairman, the Vice Chairman shall preside over and assume all duties and responsibilities of the Chairman in addressing the business of any regularly scheduled or special meeting.

2. Assist the Chairman in scheduling and coordinating materials for all regularly scheduled and special meetings of the Committee.

**C. Secretary**

1. The Secretary is the custodian of the official minutes of meetings and shall sign same as revised and approved.
2. The Secretary is the custodian of all correspondence and other documents as may be forwarded to the Committee for review and/or action.
3. In the absence of the Chairman and the Vice Chairman, the Secretary shall preside over and assume all duties and responsibilities of the Chairman in addressing the business of any regularly scheduled or special meeting.
4. The secretary will provide all documentation of meetings to the Assistant to the Town Manager for recording purposes.

**Section V Responsibilities and Duties of the Committee**

- A. The Budget Committee shall, during the budget creation process, meet with the town manager, and other agencies that are proposing funding to hear justification for budget consideration. Department Heads will be present at scheduled meetings when their Budget proposals are being presented.
- B. The Committee shall carefully review all requests for budgets and all revenue estimates and shall give consideration to all lawful requests for the ensuing fiscal year.
- C. The Committee will make a recommendation to support or oppose any funding requests and the recommendation shall be printed with the respective warrant article to be presented to voters.
- D. The Committee shall review any audit reports submitted on behalf of any auditor for the Town as such report(s) become available. Audit reports shall be forwarded to the Chairman by the Selectmen and upon their receipt.
- E. The Committee shall attend any budget hearings, the Annual, and Special Town meetings.
- F. Committee members shall, on a quarterly basis receive copies of the Year-to-date revenue and expenditures reports for review and if necessary, will meet on a quarterly basis to discuss with the Town Manager and Finance Director.
- G. Committee Members may serve on citizens' or other sub-committees at the request of the Selectmen and as appointed by the Chairman.
- H. Members shall act collectively as a body.

**Section VI Forfeiture or Removal from Office**

- A. Any Member missing two consecutive scheduled or announced meetings, of which that Member received reasonable notice, without being excused by the Chairman shall give cause for the Chairman to

ask for that members resignation. Every effort shall be made to attend in person. Remote participation is permissible in accordance with the Town of Naples Remote Participation policy (August 23<sup>rd</sup>, 2021)

B. Consideration shall be given appointed and elected members for absences under the circumstance of prolonged illness.

## **Section VII Conduct of Meetings**

### **A. General Provisions:**

1. All meetings are open to the public.
2. Organizational Meeting - The date for an Organizational Meeting to elect officers, which shall be the Committee's first regularly scheduled meeting, but not later than February 1st.
3. Regular Meetings - A schedule of regular meetings through budget process shall be agreed upon at the organizational meeting. Said schedule shall be set by majority vote of the Members present and shall be effective through the conclusion of the next Annual Town Meeting. Said schedule may be amended by a majority vote of the Members present.
4. Special Meetings - Special Meetings may be called by the Chairman or by three (3) Members of the Committee. The Member(s) calling the meeting shall notify all other Members no less than forty-eight (48) hours in advance of the Special Meeting. Said notice shall state the purpose of the Special Meeting and the secretary will notify the Assistant to the Town Manager for public notification purposes.
5. Annual and Special Town Meetings - The Chairman shall announce each budget request and the Committee's recommendation, explain the basis for such recommendation, and the results of the vote taken for such recommendation. The Chairman may, if requested, read an explanation of the minority position if so requested.
6. Preliminary Budget Review- While reviewing a department's Preliminary Budget, any Member of the Committee at any time in the proceedings can make a motion to stop all review of that department's budget if they feel the Town Manager is not prepared, moving said department to the end of the Preliminary Budget review process.

B. Quorum - A quorum shall consist of half of the membership plus one member of the Budget Committee.

C. Order of Business or Agenda is recommended as follows; the Chairman has the discretion to adjust the order of events as deemed necessary:

1. Call to order and Pledge of Allegiance
2. Roll Call
3. Receipt of Correspondence
4. Approval of Minutes
5. Old Business
6. Review of Budgets and Expenditures

7. Information and Proposals

- a. From Sub-Committee(s)
- b. From Members
- c. From Members of the School Board, Selectmen, Department Heads and Citizens

8. New Business

9. Adjournment

D. Role of the Chairman

1. Open the meeting at the prescribed time by a Call to Order.
2. Announce the business before the Committee in the order in which it is to be acted upon and/or entertain motions to change such order.
3. Recognize Members and/or meeting attendees, entitling said Members and/or attendees to the floor.
4. State and put to vote all questions which are regularly called, or necessarily arise in the course of the proceedings and to announce the result of the vote.
5. Protect the Committee from annoyance.
6. Assist in expediting all business in every way compatible with the rights of the Members by allowing brief remarks when undebatable Motions are pending or by calling a brief recess to permit restoration of order or for clarification of an obscure point if the Chairman deems it advisable.
7. To restrain the Members when engaged in public debate through use of the Rules of Order.
8. To enforce, on all occasions, the observance of order and decorum among the Members, deciding all questions of Order (subject to appeal by any two Members) unless the Chairman prefers to submit the question for decision of the Committee.
9. To inform the Committee on a Point of Order or practice pertinent to pending business
10. To authenticate by the Chairman's signature, when necessary, all acts, orders and proceedings of the Committee
11. The Chairman shall be the last Member to cast a vote on every issue

E. Role of the Recording Secretary

1. The Recording Secretary (Town Manager) shall be the recording official of the Committee and shall attend all meetings as scheduled.
2. Transcribe and type minutes of the meeting and forward copies to each Member.
3. Notes shall be forwarded to the Selectmen's Office upon final approval of the minutes of a meeting.
4. Assemble a notebook of approved minutes and other related materials, for permanent record and forward same to the Town Clerk annually.

## F. Rules of Order

### 1. Obtaining the Floor

- a. Address the Chairman by his title and wait for recognition. When recognized, a Member may speak, and, with few exceptions, no Member or meeting attendee may interrupt.
- b. Unlimited debate will be allowed so long as the matter discussed is germane to the question being debated.

### 2. Motions - All proposals seeking action by the Committee shall be presented by a formal Motion.

- a. Motions will be recognized by the Chairman and called for a Second and Vote.
- b. A Second to a Motion must be received before the Chairman may entertain discussion and Vote. Should no Second be received, the Motion will be considered to have Died for Lack of Second and so recorded.
- c. Motions to Table require a second and will receive no discussion.
- d. Amendments to a Motion may be made by any Member at any time after a Second to a Motion has been received. A second and a Vote upon the Amendment must be taken before proceeding with the original Motion. No more than one (1) Amendment to a Motion may be entertained by the Committee at any time.
- e. Motion to Continue shall be entertained on any item a Member shall deem not completely addressed and discussed at a meeting. A Motion to Continue requires a Second.
- f. Motion to Refer - May be requested when a Member deems it advisable to give further study to a proposal or other matter. A Motion to Refer requires a Second.

### 3. Votes - Shall be taken after discussion has reached a conclusion and shall be by raised hand.

- a. Votes shall be recorded in the minutes of the meeting as number for, number against, number abstaining, and a notation of any Members who may be absent from the Vote.
- b. Roll Call Votes shall be recorded in the minutes of the meeting as (Yes) followed by Members' names; (No) followed by Members' names, and (Abstain) followed by Members names and a notation of any Members who may be absent from the Roll Call Vote. In accordance with the Town's Remote Participation Policy, if a committee member is participating remotely a Roll Call vote is required.

### 4. Point of Information - May be called should a Member seek clarification on any issue before the Committee which may seem to have become obscure or involved.

### 5. Point of Order - May be called when a Member deems a possible violation of procedure or decorum has occurred. The Chairman shall rule immediately on any Point of Order called or request a vote of the Committee.

### 6. Order of the Day - May be called when a Member determines that the discussion has strayed from the subject matter at hand or regularly scheduled business of the Committee.

7. Appeal from the Chair - May be called by any Member who disagrees with a decision rendered by the Chairman. If the Appeal receives a Second, the Chairman shall restate the question or issue and request a Vote of the Committee to overrule or sustain.

8. Out of Order - May be called only by the Chairman when any Member or meeting attendee is deemed to be unruly and not conducting themselves according to the Rules of Order. The Chairman may request the offending person removed from the meeting.

9. Requests for Information

- a. Members Requests - Any member's request is to be considered a request of the Committee.
- b. Information Requests - Should it become apparent to the Chairman or a member in the interim between meetings that additional information relative to a specific budget item may be needed for Committee use at the next regularly scheduled meeting, a written request for this information may be submitted to the Selectmen's representative. Such information should be made available to the Committee at its regularly scheduled meeting

**SECTION VIII Adoption and Amendment**

A. These by-laws shall be known as the Municipal Budget Committee By-Laws of the Town of Naples.

B. These by-laws shall become effective after adoption by majority vote of the Board of Selectmen at a regular or special meeting.

C. These by-laws may be amended from time to time by the Board of Selectmen at a regular or special meeting.

**SECTION IX Severance**

If any section, subsection, paragraph, sentence, clause or phrase of these by-laws shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions thereof, which shall remain in full force and effect and to this end, the provisions of these by-laws are hereby declared to be severable.

The adoption of these by-laws, as dated below, withdraws and replaces any previous versions of Budget Committee rules or polices for the Town of Naples.

Signed this 9<sup>th</sup> day of December 2024.

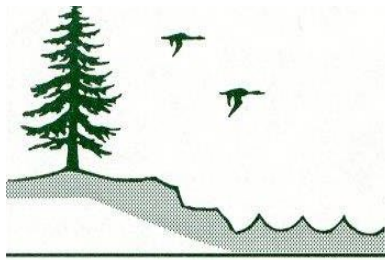
\_\_\_\_\_  
Ted Shane, Select Board Chair

\_\_\_\_\_  
Stephen LaPointe, Select Board

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Colin Brackett, Select Board Vice Chair

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William Adams, Select Board

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Kevin Rogers, Select Board



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**Town of Naples**

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**MUNICIPAL ORDINANCE REVIEW COMMITTEE  
BYLAWS**

Adopted: May 1999  
Amended 02-21-2024

The Naples Ordinance Review Committee is a committee to work with the Planning Board.

The Selectboard will approve the initial set of bylaws for the Ordinance Review Committee. Amendment to this document may be made by a majority vote of the Ordinance Review Committee after review by the Selectboard.

**PURPOSE:**

The purpose of the Ordinance Review Committee is to evaluate and edit current ordinances and draft new ordinances that reflect the evolving needs of the Town of Naples and its citizens. The Committee serves as an advisory committee to the Selectboard.

**MEMBERS:**

There will be seven members of the Ordinance Review Committee all of whom shall be residents of the Town of Naples. The Planning Board, the Appeals Board and the Selectboard shall have at least one member each as a member of the Ordinance Review Committee.

New members are approved by a vote of this Committee for recommendation to the Selectboard for approval. The members will be appointed by the Selectboard.

The Code Enforcement Officer will keep a waiting list for membership (in no particular order). Committee members will select the appropriate member from that list or may solicit members from the community as needed.

When a member misses three consecutive meetings without cause, he/she will be contacted by the Chair as to their intentions to continue on the Committee. If a written resignation cannot be obtained, the Committee will recommend the removal of the member to the Selectboard, who will have the authority to remove the member. After removal, the Board and Committee will follow the procedures above to replace the member.

**MEETINGS:**

Routine Ordinance Review Committee meetings will be held on a date and time agreed upon by the membership at the first meeting after the annual town election in the spring. The Code Enforcement Officer may call non-routine meetings to address time-sensitive ordinance work. All meetings will be audio taped for reference. All meetings are open to the public.

## **OFFICERS:**

Officers will be elected by the membership of the Committee each year at the first meeting after the annual town election in the spring.

**Chair:** The duties of the Chair are directing all meetings and being the liaison between the Planning Board, Selectboard, and this Committee. The Chair shall attend public hearings when ordinances or amendments are to be discussed for potential adoption.

**Vice-Chair:** The duties of the Vice Chair is to direct the meetings when the Chair is not present, completing the tasks requested by the Chair. The Vice Chair will also be the liaison between the Committee and the Code Enforcement Officer when Chair cannot be present at a meeting or public hearing when ordinances or amendments are to be discussed for potential adoption

**Code Enforcement Officer (CEO):** The Code Enforcement Officer is the advisor to this Committee and will be a regular participant at the meetings.

**Administrative Assistant:** The duties of this person will be to keep a record of all meetings, notify members of meetings and coordinate with the contracted town planner and the code enforcement officer to ensure all paperwork is available for meetings.

## **PROCESS FOR ITEMS TO BE REVIEWED BY THIS COMMITTEE**

- A. The Selectboard will initiate and direct what the Committee takes under review. The Selectboard may require a petition, it may be a legal petition, or a petition number set by the Selectmen to show interest in the topic.
- B. The Committee will review or create the requested document.
- C. A copy of the draft will be sent to both the Planning Board and the Selectboard for their review and comments.
- D. The Ordinance Review Committee will make changes as warranted.
- E. After agreement by the Ordinance Review Committee, Planning Board and Selectboard the document will be sent to the Town's attorney for legal review
- F. After legal review, a workshop will be held to produce a final draft of the document.
- G. The Planning Board will hold the public hearings for re-written or amended land use ordinances.
- H. The Selectboard will hold hearings for all new ordinances or non-land use ordinances.
- I. Amended and new ordinances will be voted on by the citizens at either a town meeting or on a ballot.

# Naples Short Term Rental Registration Ordinance

## Purpose; Authority

Naples residents prize the peace and quiet of their residential neighborhoods. In recent years, a growing number of property owners are renting out their property to vacationers on a short-term basis throughout the year. In order to preserve the fabric of residential neighborhoods and to protect the safety of visitors and residents, the Town of Naples believes the operation of short-term rentals (STRs) must be efficiently and effectively regulated. This ordinance was developed with an interest in balancing the desire of the property owners who wish to rent their properties to short-term tenants with the desire of residents who want to preserve the peaceful quiet and enjoyment of their residential neighborhoods.

### I. Definitions

**Short Term Rental (STR).** A dwelling unit that is rented to renters/guests for a period of less than 30 consecutive days.

**Long Term Rental.** A dwelling unit that is rented to renters/guests for a period of more than 15 consecutive days.

**Dwelling Unit.** A room or group of rooms designed and equipped exclusively for use as living quarters by one family including provisions for living, sleeping, cooking and eating. This does not include hotels, motels, recreational vehicles, or other temporary trailers.

**Un-hosted Short-Term Rental.** A dwelling that is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

**Hosted Short-Term Rental.** A dwelling that is occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

### II. Registration; Annual Renewal Necessary

Effective January 1, 2026 no dwelling unit may be rented, or otherwise held out as being available for rent as a short-term rental, without first registering the same with the Town of Naples Code Enforcement Officer in a manner consistent with this Ordinance.

A short-term rental registration is valid for a period of one (1) year from the date of issue. A short-term rental registration must be renewed annually, and must also be re-registered upon any change in ownership of the dwelling unit.

Registration applications, which shall be prepared and made available by the Code Enforcement Officer, shall provide all information required to demonstrate compliance with the performance standards contained in this ordinance, as well as the following materials:

**A. Copy of Plot Plan.** Showing the location of the short-term rental, the location of all parking spaces required by Section IV(C) of this ordinance, and the location of the leach field associated with the dwelling unit. Such plot plans may be hand drawn or created using the GIS data compiled and maintained by the Town.

**B. Floor Plan Drawing.** Show the general layout of the short-term rental. This floor plan must show bedrooms, hallways, emergency exits, and the locations of carbon monoxide detectors, smoke detectors and required fire extinguishers. Such floor plans may be hand drawn.

**C. Application fee** in an amount consistent with the Town's Fee Schedule.

Once submitted, all short-term rental registrations shall be reviewed by the Code Enforcement Officer for completeness. Once deemed complete, the Code Enforcement Officer shall either grant, grant with conditions, or deny each application.

Upon completion of the registration, all applicants will have a copy of the following:

- Town of Naples Short-term Rental Registration Ordinance
- Signed Town of Naples Short-term Rental Registration Application
- Good Neighbor flyer

**D. Transfer of ownership.** Any registration issued under this Ordinance is not transferable to a new owner. Any change in the ownership or change in the members, managers or officers of an owner shall require a new registration, but shall not require a new fire inspection under section III until the registration is renewed.

### **III. Inspection**

Upon receipt of a complete registration application and the required fee, each short-term rental unit shall be inspected by the Fire Chief or the Chief's designee. The Fire Chief or designee shall inform the Code Enforcement Officer, in writing, whether the proposed short-term rental unit complies with applicable fire prevention and life safety requirements. If the short-term rental unit fails to meet these requirements, no registration shall be issued until identified issues are resolved to the satisfaction of the Fire Chief or designee. Each annual short-term rental unit registration shall require a new inspection.

### **IV. Performance Standards**

All short-term rentals within the Town shall comply with the following performance standards:

**a. Emergency Contact.**

The dwelling unit's owner must provide an Emergency Contact who is able to respond within three hours (24 hours per day) to complaints regarding the condition, safety or operation of the short-term rental or the conduct of guests and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

**b. Occupancy Limits.**

Occupancy within a short-term rental is limited to a maximum of two (2) guests per legally permitted bedrooms (as determined by the Code Enforcement Officer) plus an additional two (2) guests.

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**c. Parking.**

The dwelling unit's owner must provide off-street parking for the guests. Parking is prohibited in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

**d. Trash Disposal.**

The dwelling unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers. The dwelling unit owner shall ensure that the trash is removed from the property at the end of each rental period.

**e. No Serving of Food by Owner.**

No food shall be prepared for, or served to short-term rental guests by the owner in a manner that would require a victualer's license from the Town, or an eating establishment license from the State of Maine.

**f. Habitability of Dwelling Unit.**

A dwelling unit may not be rented as a short-term rental if the same has not received a certificate of occupancy from the Code Enforcement Officer, has been declared to be a "dangerous building" by the Selectboard, as defined by state law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.

**g. Distribution of Good Neighbor Flyer.**

A copy of a "Good Neighbor Flyer" prepared and maintained by the Town, shall be posted in the short-term rental.

**V. Complaints, Penalties, Violations and Enforcement**

**a. Complaints Concerning Short-term Rentals.**

All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a Citizen Complaint Form. Any complaints that interrupt the quiet enjoyment of a resident in their home or immediate neighborhood may be reported to the Cumberland County Sheriff's Department. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each short-term rental investigated by the Code Enforcement Officer. The Code Enforcement Officer shall seek to obtain voluntary compliance through the correction of all substantiated complaints by the short-term rental registrant. A list of complaints and any resolutions shall be reported to the Town

Selectboard by the Code Enforcement Officer annually.

b. Suspension or Revocation of a Registration.

If in the opinion of the Code Enforcement Officer a violation of this Ordinance exists and cannot be resolved within a reasonable time period, and if the nature and/or number of complaints warrants further review of the registration, the Code Enforcement Officer shall provide a report to the Town Manager, and the Selectboard if necessary, for review and consideration. If the violation requires Selectboard engagement, a public hearing will be held and the Selectboard may condition, suspend, or revoke a short-term rental registration on the basis of the dwelling unit owner's non-compliance with this ordinance. Any decision of the Selectboard described above may be appealed to the Maine Superior Court within thirty (30) days of that decision, consistent with Rule 80B of the Maine Rules of Civil Procedure. Registrants who have previously had a registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by order of the Selectboard.

c. Violations and Enforcement

Failure to comply with any requirement of this ordinance shall result in the issuance of a notice of violation from the Code Enforcement Officer or other authorized official of the Town. If the violation is not addressed within the time period established in the notice of violation, the Town may bring an enforcement action in the Maine District or Superior Court. Each violation shall be subject to a minimum fine of \$100. Each day that the violation continues shall be considered a separate violation. In the event that the Town is successful in proving a violation, it shall be entitled to recover its attorney's fees and costs in bringing the enforcement action.

**VI. Appeal.**

Decisions of any town official under this ordinance shall be appealed to the Selectboard within thirty (30) calendar days of the date of the decision. Appeals shall be with the Town Clerk and shall include a summary of the decision from which the appeal is taken and a summary of the issues for which review is sought.

**VII. Severability.**

Should any section or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section of this Ordinance.

**VIII. Conflicts with Other Ordinances**

This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, permit, or provision of law. Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted ordinance, rule, regulation, permit, or provision of law, the most restrictive shall apply.

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# Town of Naples

## Short-Term Rental (STR) Registration Application

**PLEASE CHECK ONE**

This is a NEW STR Registration. \_\_\_\_\_

This is a STR Registration Renewal. \_\_\_\_\_

**PROPERTY INFORMATION**

- PROPERTY ADDRESS \_\_\_\_\_
- TAX MAP AND LOT \_\_\_\_\_
- DWELLING TYPE (SEE DWELLING UNIT UNDER DEFINITIONS)  
\_\_\_\_\_
- PROPERTY OWNER(S) NAME(S) AND MAILING ADDRESS; or if owned by a real estate trust, limited liability company, corporation or anyone with ownership interests, provide that information as well  
\_\_\_\_\_
- PROPERTY OWNER PHONE AND EMAIL \_\_\_\_\_

**EMERGENCY CONTACT**

The Emergency Contact may be the property owner or a registered agent or representative. The Emergency Contact must be able to respond within three hours (24 hours per day) to complaints regarding the condition, safety or operation of the short-term rental or the conduct of guests and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

**EMERGENCY CONTACT:**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

**TYPE OF SHORT-TERM RENTAL:**  
**(CHECK ONE)(SEE DEFINITIONS)**

PRIMARY RESIDENCE HOSTED \_\_\_\_\_

PRIMARY RESIDENCE UNHOSTED \_\_\_\_\_

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**PARKING**

Number of off-road parking spaces available to tenants. \_\_\_\_\_

**CODE COMPLIANCE**

**OCCUPANCY**

Number of bedrooms \_\_\_\_\_ Septic size (if known) (Gallons per day/Number of bedrooms)

**FIRE SAFETY**

Indicate number of each in the STR property:

Smoke Alarms \_\_\_\_\_ Carbon Monoxide Detectors \_\_\_\_\_ Fire Extinguishers \_\_\_\_\_

**SEPTIC SYSTEM**

Provide date when was the septic system for the STR property was last pumped out. \_\_\_\_\_

**PLEASE NOTE**

The *recommended* pumping schedule for normal use of a septic system is every three years

**WATER TESTING**

Provide date when the drinking water of the STR property was last tested. \_\_\_\_\_

**PLEASE NOTE:**

*The State of Maine requires the landlord or building manager of a dwelling that is rented for human habitation and for which the water supply is a residential private drinking water well shall obtain a water test every 3 to 5 years.*

**PROPERTY OWNER ACKNOWLEDGEMENT OF RESPONSIBILITIES**

I understand that failure to meet the following operating standards will result in a violation of the Town of Naples STR Registration Ordinance.

**A. Emergency Contact.**

The dwelling unit's owner must provide an Emergency Contact who is able to respond within three hours (24 hours per day) to complaints regarding the condition, safety or operation of the short-term rental or the conduct of guests and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

**B. Occupancy Limits.**

Occupancy within a short-term rental is limited to a maximum of two (2) guests per legally permitted bedrooms (as determined by the Code Enforcement Officer) plus an additional two (2) guests.

**C. Parking.**

The dwelling unit's owner must provide off-street parking for the guests. Parking is prohibited in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

**D. Trash Disposal.**

The dwelling unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers. The dwelling unit owner shall ensure that the trash is removed from the property at the end of each rental period.

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**E. No Serving of Food by Owner.**

No food shall be prepared for, or served to short-term rental guests by the owner in a manner that would require a victualer's license from the Town, or an eating establishment license from the State of Maine.

**F. Habitability of Dwelling Unit.**

A dwelling unit may not be rented as a short-term rental if the same has not received a certificate of occupancy from the Code Enforcement Officer, has been declared to be a "dangerous building" by the Selectboard, as defined by state law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.

**G. Distribution of Good Neighbor Flyer.**

A copy of a "Good Neighbor Flyer" prepared and maintained by the Town, shall be posted in the short-term rental. (This shall be posted separate from any private information from the owner).

The signature below certifies that I am a legal owner of the subject property and the information provided on this application is in all respects true and accurate to the best of my knowledge and belief.

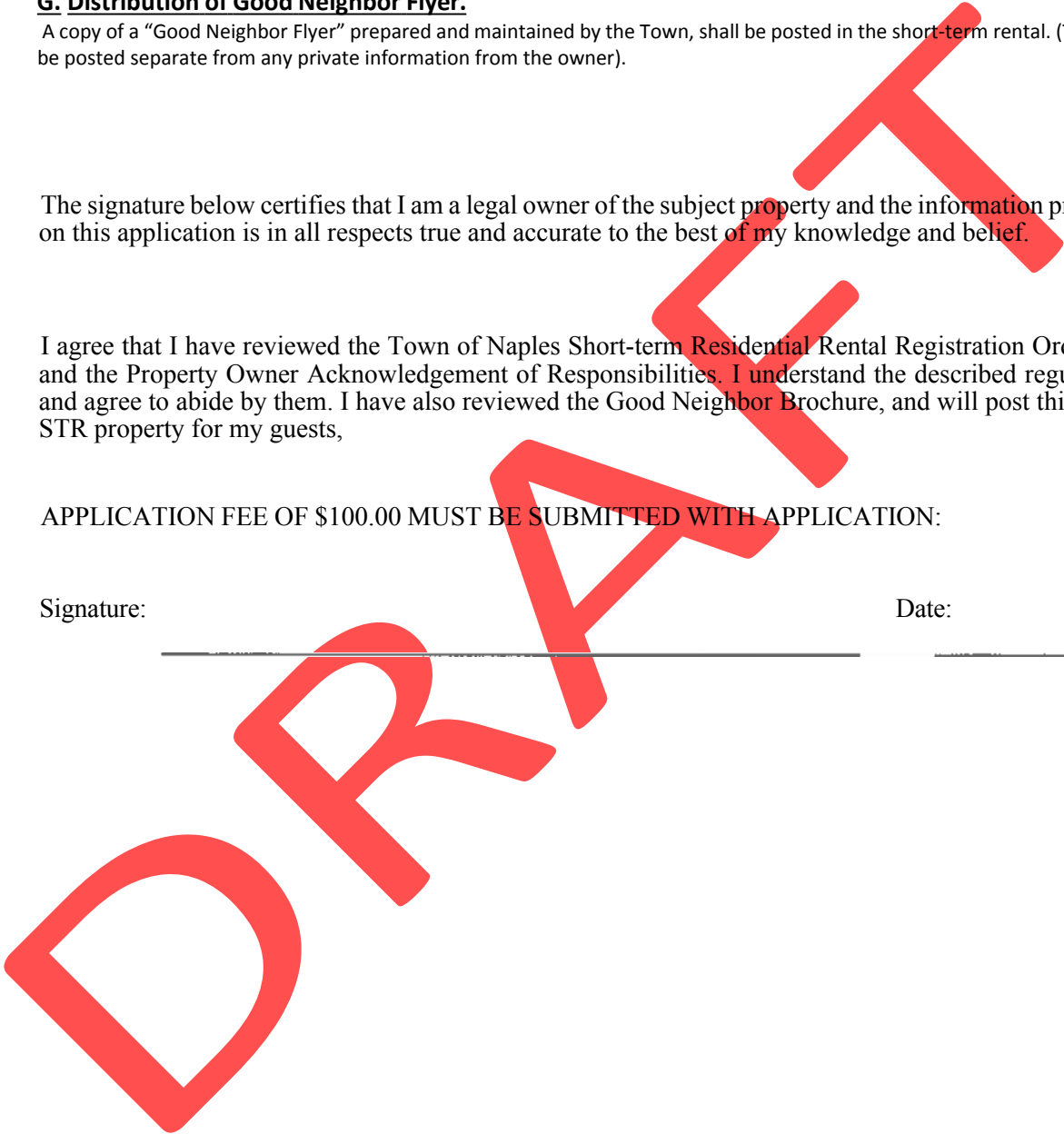
I agree that I have reviewed the Town of Naples Short-term Residential Rental Registration Ordinance and the Property Owner Acknowledgement of Responsibilities. I understand the described regulations and agree to abide by them. I have also reviewed the Good Neighbor Brochure, and will post this in my STR property for my guests,

APPLICATION FEE OF \$100.00 MUST BE SUBMITTED WITH APPLICATION:

Signature:

Date:

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## Be a Good Neighbor

Welcome to Naples, Maine! We want all guests and vacationers to enjoy our peaceful, quiet community. Please respect our neighborhoods and extend the same courtesy to your neighbors here as you would your neighbors at home.

- If you're not sure where the property line is, ask the owner or abutting neighbor.
- The speed limit on camp roads is posted to keep our neighborhoods safe, prevent damage to our roads, and on gravel roads, keep dust down (which is a pollutant to our lakes and an irritant to humans). Please observe the posted speed limit and drive carefully.
- Keep noise to a minimum, especially after 10 p.m. Most people come to Maine for the quiet relaxation it affords. Loud radios, rowdy behavior and offensive language are not appreciated by your neighbors, especially if they have young children, or need to get up early to go to work.
- Boating laws cover life jackets, personal watercraft, speed and operating under the influence. Maine law requires anyone born on or after January 1, 1999 to successfully complete a NASBLA approved Boating Safety Education Course and obtain the Boating Safety Education Card. Please follow these laws. For marine related issues call Naples Harbor Master at (207)615-8445 or Maine Warden Service at 1-800-452-4664
- Campfires are allowed only with the property owner's permission. Maine prohibits the entry of all types of out-of-state firewood.
- Maine State law requires that fireworks cannot be set off after 10 pm, with the exception of the 4<sup>th</sup> of July and New Year's. Please consider the impact on neighbors and their pets if you wish to set off fireworks during your stay.

**Make your stay memorable.**

**Please review this important information below.**

### I. Help Protect our Lakes

The lakes in our community are clean and beautiful, but like all lakes, they are sensitive. Your actions impact water quality and we all play a part in keeping our lakes clean and pure.

- Under Maine State law, no one can intentionally introduce foreign substances (including soap and shampoo) into our waters without a permit. Please use phosphate-free soaps for laundry and dishwashing, and do not bathe or wash hair in the lake. Phosphorus is the nutrient that most influences the growth of algae in lakes.
- Do not remove vegetation in the lake or along the shoreline. Plants help filter out pollution and prevent erosion.
- Don't remove rocks from the shore.
- Please clean your boat of any and all plant matter before launching it into one of our lakes. Most launch sites have a boat wash station for this purpose.
- By Maine law, all boats must keep at or under headway speed within 200 feet of shore; wake boats, while operating in wake mode, must remain 300 feet from the shore.

## **II. Rental Property Occupancy**

The rental property owner will provide the maximum number of occupants permitted to stay in the rental unit. Compliance with occupancy rules will assure that you and your neighbors will both enjoy your stay. Large gatherings that involve an assemblage of vehicles or persons more than the maximum allowable number of short-term guests are prohibited for short-term rental guests.

## **III. Keep the Septic System Safe**

Septic systems are not sewers; the waste that goes into them stays on the premises. Please do not flush anything that is not entirely and rapidly biodegradable. Disposable diapers and personal cleanliness wipes are not flushable. Cooking grease is especially bad – it rises to the top of the tank and clogs the intake baffle as it hardens. It can take as long as 30 years to biodegrade, so please keep a container for cooking grease at hand, and dispose of it in the trash. If you are not sure whether or not something is really biodegradable, don't flush it!

## **IV. Secure Your Trash**

Trash bags must be tied securely and placed in provided containers. Please make sure the lids of containers are put on tightly or strapped with a bungee cord to keep out skunks and raccoons. Never leave bags of trash out in the open, day or night.

## **V. Know Where to Park**

The owner of your rental unit should have provided you with information detailing how many vehicles you can have, and where to park. Please be mindful of where you park; do not block driveways, fire hydrants, or the road itself.

## **VI. Control all Pets**

Maine has a leash law. If your vacation rental allows dogs, please keep your dog on property and under your direct voice control at all times. Do not let your dog run loose at any time. When you clean up after your dog, bag and discard the waste in the trash; pet waste can carry harmful bacteria. Be considerate of your neighbors (as well as your pets!) and do not leave your pet alone outside in an unfamiliar place where they may bark or cry for you.

## **VII. Wildlife Protection**

Please be considerate of our wildlife. Help keep their habitat clean and comfortable, and don't agitate the lakefront unnecessarily where waterfowl may be nesting.

Common loons are protected from pursuit, harassment and capture by federal law. While it may be tempting to get close to loons, human disturbance is one of the greatest threats to loons' breeding success. As with all wildlife, you may enjoy loons from a distance.

**Town of Naples Sign Ordinance  
Adopted at Town Meeting**

**Attested by Town Clerk**

**ARTICLE I. TITLE, AUTHORITY & PURPOSE**

**Section 1.1 Title.**

This ordinance shall be known and may be cited as the “Town of Naples Sign Ordinance.” It is referred to herein as “this ordinance.”

**Section 1.2 Authority.**

This ordinance is enacted pursuant to the home rule power conferred by Article VIII, part Second of the Maine Constitution and Title 30-A, Section 3001 of the Maine Revised Statutes.

**Section 1.3 Purpose.**

The purpose of this ordinance is to regulate signs in order to promote and protect the public health, safety, and welfare; to protect property values; enhance and protect the physical appearance of the community; preserve scenic and natural beauty; reduce distractions and obstructions caused by signs that may contribute to traffic hazards and accidents; and implement the Naples Comprehensive Plan’s objective to protect and enhance the rural character of the Town of Naples, by requiring new and replacement signage to be:

- A. In keeping with Naples’ unique small-town Maine character and the historic New England character of its Village District by (i) complementing, to the greatest extent possible, the unique aesthetics of the Naples location, with emphasis on natural materials and color schemes and traditional New England designs, and (ii) reflecting the Town’s character, history, and its Western Maine lakes and mountains aesthetic;
- B. Creative and distinctive in a way that is expressive of the individual identity of the proprietors and enhances an attractive economic and business climate;
- C. In keeping with the use of intimate, traditional New England materials and finishes such as gold leaf, carved signs, wrought iron, stone and natural materials that invoke a historic look; and
- D. Compatible with its surroundings and without adverse effects to nearby properties or the environment, including Naples’ Dark Sky rural character.

## **ARTICLE II. STANDARDS**

### **Section 2.1 Applicability.**

All signs within the geographic boundary of the Town of Naples must be designed, installed, and maintained in accordance with the provisions of this ordinance.

### **Section 2.2 Sign Permits.**

- A. Except as otherwise expressly provided herein, no person shall erect, display, enlarge, replace, relocate, physically reword, redesign, alter, or substantially repair a sign without first applying for and obtaining a permit from the Code Enforcement Officer.
- B. Applications for a sign permit shall be on forms prescribed and provided by the Code Enforcement Officer and shall be submitted to the Code Enforcement Officer. Applications shall be accompanied by scaled drawing(s) and specifications. The drawing(s) shall include a rendering of the proposed sign and shall show the location of the sign on the premises, and the specifications shall include sufficient information to demonstrate compliance with the provisions of this ordinance. A record of such applications, drawings and specifications shall be kept on file in the Town Office. No sign permit shall be issued unless the application, drawings and specifications are in all respects in conformance with this ordinance.
- C. All signs requiring a sign permit shall be properly maintained and shall not be erected within any State or Town right of way.
- D. A sign permit shall lapse if the permitted sign is not installed within one (1) year of the permit date of issue.
- E. The fee for sign permits, inspections and certificates shall be established by the Board of Selectmen.
- F. The Code Enforcement Officer shall, within thirty (30) days from the date of filing a complete application for a sign permit, grant or deny the sign permit application in writing. In the case of denials, the Code Enforcement Officer shall provide, in writing, the basis for said denial.

### **Section 2.3 Maximum Sign Area.**

For purposes of calculating the maximum size of a sign, the sign area shall be calculated as follows: Sign area shall include all sign surfaces that communicate a sign's message, except that sign area shall include only one side of a double-faced sign. Sign area shall not include any structural supporting elements, except if such elements are visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message. Any physical address that is required to be an integral part of a freestanding sign shall not be counted as part of the maximum size of a sign.

## Section 2.4 Exempt Signs.

The following signs are allowed in all zoning districts without a permit from the Code Enforcement Officer:

- A. Temporary signs, not greater than 6 square feet in sign area and not displayed for more than six weeks per calendar year. Temporary signs shall not be attached or painted onto any fences, trees or other natural features, utility poles, or the like. Temporary signs shall not be placed so as to impair vision or traffic or in any manner create a hazard or disturbance to the health and safety of the public. All temporary event signs must be approved by the Board of Selectmen.
- B. DIRECTIONAL, TRAFFIC SAFETY SIGN and GAS STATION RATE SIGN – A **sign** identifying entrances, exits, parking areas or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.
- C. Signs identifying the name, address, and profession of a permitted residence or a home occupation, provided such sign does not exceed six square feet in sign area.
- D. Signs located on or in the rolling stock of common carriers, or on registered motor vehicles, except vehicle signs.

## E. Political Signs

## Section 2.5. Prohibited Signs.

The following signs and illuminations are prohibited in every zoning district:

- A. Off-premise signs (also known as billboards).
- B. Abandoned signs.
- C. Beacon lighting.
- D. Balloon signs.
- E. Signs attached to utility poles, public benches, streetlights, rails, or fences.
- F. Signs that obstruct pedestrian traffic or visibility.
- G. Signs that limit motor vehicle drivers' or bicyclists' sight distance, that could be confused with official highway signs or signals, that unduly distract motor vehicle drivers' or bicyclists' attention, or that otherwise impair public safety.
- H. Signs illuminated by, composed of, or containing flashing, intermittent, rotating, or moving lights, except for electronic message signs.

- I. Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable, or other similar moving, fluttering, or revolving device.
- J. Signs, flags, or banners greater than 35 feet in height or, if building-mounted, extending above the building's roofline.
- K. Vehicle signs.
- L. Any sign emitting sound, except drive-through menu signs.
- M. Animated signs.
- N. Roof signs.
- O. Changeable copy signs.
- P. Signs painted on a sidewalk or stairs.

**Section 2.6 Preexisting Nonconforming Signs.**

- A. Preexisting nonconforming signs, other than preexisting nonconforming temporary signs, are allowed in all zoning districts without a permit, subject to the requirements of this Section 2.5.
- B. Maintaining and removing preexisting nonconforming signs. Except as set forth in Section 2.5.E. below, preexisting nonconforming signs may be maintained in their preexisting size, configuration, design, and location. Preexisting nonconforming signs which are altered, relocated, or replaced must comply with all provisions of this ordinance; provided, however, that if a preexisting nonconforming sign is involuntarily destroyed by any cause then the sign must be replaced, in-kind, within 12 months of the date of involuntary destruction in order to maintain its preexisting nonconforming status; otherwise, the sign shall be subject to all provisions of this ordinance. Preexisting roof signs, however, must be replaced, in-kind within 6 months of the date of involuntary destruction; otherwise, the roof sign shall be prohibited.
- C. Documentation of preexisting nonconforming signs. To qualify as a preexisting nonconforming sign, documentation showing the existence of the sign before the effective date of this ordinance must be submitted to the Code Enforcement Officer within 1 (one) year of the effective date of this ordinance. Any person or entity owning or controlling any preexisting nonconforming sign shall be responsible for providing such documentation to the Code Enforcement Officer. Documentation shall include photographs, plans, drawings, news clippings, correspondence, affidavits, sworn statements, or other materials sufficient to establish, to the satisfaction of the Code Enforcement Officer, the legal existence of a sign.
- D. The Code Enforcement Officer shall maintain files of preexisting nonconforming signs, as follows:
  - 1. Files of signs erected prior to the effective date of this ordinance shall contain documentation evidencing the legal existence of such signs.

2. Files of sign erected after the effective date of this ordinance shall contain records of, or documentation evidencing, the issuance of a sign permit for such sign.
- E. Notwithstanding the above Section 2.5.B. any sign existing as of the date of enactment of this ordinance is grandfathered in its existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the maximum size and all other requirements of this ordinance. All grandfathered signs must meet the lighting standards in Section 2.10.
- F. Any existing business sign in the Rural Area and Residential Growth, outside of the commercial and village district, are grandfathered for their existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the Village District Standards.

### **Section 2.7 Abandoned Signs.**

Abandoned signs in disrepair shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within ninety (90) days from the date the sign was abandoned. Where the owner of the property on which an abandoned sign is located fails to timely remove the sign, the Town may remove the sign.

### **Section 2.8 Village District Sign Standards.**

**Objective:** In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles and materials (timber, stone, etc.) that invoke a “Maine” look. To complement sign installations, traditional, native/non-invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

- A. Freestanding Signs within the Village District. The following standards shall apply to any freestanding sign located within the Village District:
  1. No more than one freestanding sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed 32 square feet in size.
  2. The structural supporting elements for a freestanding sign shall not exceed 8 feet in width or 10 feet in height.
  3. In addition to the freestanding sign:
    - a. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel.

- b. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed within the right of ways.
4. No sign shall be internally illuminated externally lit signs shall employ warm white lighting.
5. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.
6. Changeable copy signs and electronic message signs are prohibited.

B. Wall, projecting and Awning Signs within the Village District. The following standards shall apply to any wall or awning sign located within the Village District:

1. No more than one wall or projecting sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a wall sign advertising multiple businesses or operations that are co-located in a building shall not exceed 24 square feet in size or 5% of the size of any exterior wall of the building, whichever is greater. No wall sign shall extend above the eaves of a building. All wall signs must be firmly attached to building.
2. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

**Section 2.9 Commercial and Light Industrial District Sign Standards.**

**Objective:** In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles and materials (timber, stone, etc.) that invoke a “Maine” look. To complement sign installations, traditional, native/non- invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

A. Freestanding Signs within the Commercial or Light Industrial District. The following standards shall apply to any freestanding sign located within the Commercial District or Light Industrial District:

1. No more than one freestanding sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that a freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed the following maximum sign size: two businesses or operations – 48 square feet; three or more businesses or operations – 64 square feet. Directional or traffic safety signs containing logos or other advertising features shall count against the maximum sign area.
2. The structural supporting elements for a freestanding sign shall not exceed 12 feet in width and 20 feet in height.
3. In addition to the freestanding sign:

- a. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel.
  - b. No more than one drive-through menu sign, not to exceed 24 square feet in size, 20 feet in height, and 12 feet in width shall be allowed on any parcel.
  - c. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed within the right of ways.
  - d. No more than one electronic message sign, not to exceed 12 square feet in sign and co-located on the freestanding sign, shall be allowed on any parcel.
- 4. Signs may be internally illuminated.
  - 5. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.
  - 6. Freestanding changeable copy signs are prohibited.
- B. Wall, projecting and Awning Signs within Commercial or Light Industrial District. The following standards shall apply to any wall or awning sign located within the Commercial District or Light Industrial District:
- 1. No more than one wall or projecting sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may each display a wall sign not to exceed 32 square feet in size. No wall sign shall extend above the eaves of a building. All wall signs much be firmly attached to building.
  - 2. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

**Section 2.10 Reserved.**

**Section 2.11 Illumination of Signs.**

Within the Village District, internally illuminated signs and electronic message centers are prohibited, except grandfathered signs in Section 2.5 (E). All illuminated signs must meet the following standards:

- A. No sign shall be illuminated more than 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance. Brightness shall be controlled to be in keeping with an intimate small town, in scale with its surroundings and other signage. In accordance with

ISA illuminance and/or Veridian luminance brightness specifications may be employed and enforced at the discretion of the Code Enforcement Officer pursuant to Article III.

- B. Internally lit signs shall not exceed 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance.
- C. Any externally lit sign shall be warm white and shall be downward lit and must be fully shielded.
- D. All lighting and illumination shall:
  - a. Be effectively shielded so as to illuminate the sign surface only and prevent beams or rays of light from being directed at any portion of the traveled way of a public roadway skyward or onto any residential property;
  - b. Be of such low intensity or brilliance so as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- E. All illuminated freestanding ground signs shall have underground electrical service unless the local electric utility will not permit such underground service.
- F. The display on each side of the changeable sign may be changed no more frequently than once every one (1) minute.
- G. All electronic signs must be shut off no later than 10:00 p.m. and may be turned on no earlier than 7:00 a.m. the following day in the Village District.
- H. No live or pre-recorded videos, transitions, scrolling or animations are allowed.
- I. Upon power reset or malfunction, electronic message signs must return to the proper program and correct brightness or go to blackout.
- J. Certification of the illuminated sign by a certified brightness compliance tester must be submitted to the Code Enforcement Officer after installation, or upon request from the Code Enforcement Officer.

### **Section 2.12 General Sign Standards.**

The following sign standards shall apply to all signs allowed, with or without a permit, under this ordinance:

- A. Signs must be kept clean, neatly painted, and free from hazards (including, without limitation, faulty wiring and loose fastenings).
- B. Signs must be designed, installed, and maintained at all times in such safe condition so as not to be detrimental to the public health, safety, and welfare; not be detrimental to the physical appearance or scenic or natural beauty of the community; or constitute a distraction or obstruction, or impair vision or traffic; or results in a nuisance due to illumination, placement, display, or manner of construction.

## **ARTICLE III. ENFORCEMENT, APPEALS, VARIANCES, MISCELLANEOUS**

### **Section 3.1 Enforcement.**

- A. This ordinance shall be administered and enforced by the Code Enforcement Officer or such other individual as designated by the Town of Naples Board of Selectmen.
- B. Violations and penalties. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, the Code Enforcement Officer shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Any person, corporation or entity found in violation of any provisions of this ordinance shall be punished by a fine pursuant to 30-A M.R.S. § 4452, and each day that the violation continues shall constitute a separate offense.
- C. The Board of Selectmen may order the removal of any sign which represents a hazard to public health or safety, or which is found to be in such disrepair that it fails to perform its function. The owner of a sign ordered removed shall have 30 days to conform with this ordinance before removal of the sign by the Town. In the event a sign poses a serious and imminent threat to the public health and safety, the Town may remove the sign immediately and promptly thereafter shall provide notice to the owner of the sign.

### **Section 3.2 Appeals; Variances.**

- A. Appeals. Any party aggrieved by a decision of the Code Enforcement Officer may appeal to the Board of Appeals within 30 days after the Code Enforcement Officer's decision is rendered by filing an appeal at the Town Office on forms approved by the Board of Appeals and accompanied by a fee as established by the Board of Selectmen. Appeals from decisions of the Code Enforcement Officer shall be de novo. The Code Enforcement Officer shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based, which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of this ordinance. The burden of proof shall be upon the applicant for the permit. The Board of Appeals shall have authority to grant or deny a permit or to remand the matter to the Code Enforcement Officer for further proceedings. The Board of Appeals shall not continue a public hearing except for good cause. Any aggrieved party may appeal a decision of the Board of Appeals to the Maine Superior Court in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.
- B. Variances. Upon application therefor, the Board of Appeals may grant a variance upon making a finding of undue hardship as defined in 30-A M.R.S.A. § 4353(4).

### **Section 3.3. Miscellaneous.**

- A. Amendment. This ordinance may be amended from time to time by a majority vote at any Town Meeting.

- B. Validity; Severability. The invalidation of any section or provision of this ordinance by a court of competent jurisdiction shall not invalidate any other section or provision thereof.
- C. Conflicting Provisions. The provisions of this ordinance are minimum requirements. Whenever the application of this ordinance is at variance with the requirements of any other statute, rule, regulation, ordinance, deed restriction or covenant, the more restrictive provision shall govern.
- D. Substitution. Notwithstanding any provision of this ordinance to the contrary, to the extent that this ordinance allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent.
- E. Effective Date. This ordinance shall become effective on the date of adoption at Town Meeting.

## **ARTICLE IV. DEFINITIONS**

### **Section 4.1 Definitions.**

**ABANDONED SIGN** — A sign that identifies or provides information pertaining to a business, lessor, lessee, service, owner, product, event, or other activity, and which no longer exists at the premises where the sign is located or for which no legal owner can be found.

**A-FRAME SIGN** -- A sandwich board sign that is connected at the top or bottom.

**ANIMATED SIGN:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**AWNING SIGN** – A sign that is painted on or affixed to an awning structure. An awning is a non-structural covering that projects from a wall, usually for the purpose of shielding a doorway or window.

**BALLOON SIGN** – A lighter-than-air, gas-filled balloon tethered in a fixed location that contains a message on its surface or attached to the balloon in any manner.

**BANNER OR FLAG** – Any fabric or similar flexible material, usually attached to a staff or pole, which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

**BEACON LIGHTING** – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location.

**CHANGEABLE COPY SIGN** — A sign on which the characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. Also known as a reader board.

**DIRECTIONAL OR TRAFFIC SAFETY SIGN** – A sign identifying entrances, exits, parking areas, or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.

**DOUBLE-FACED SIGN** – A sign with two faces or panels, neither of which is visible at the same time.

**DRIVE-THROUGH MENU SIGN** – A sign associated with drive-through windows or kiosks, typically illustrating the menu or specials for an establishment, and directed to drive-through traffic.

**ELECTRONIC MESSAGE SIGN** – A sign on which the characters, letters, or illustrations can be changed automatically or through electronics. An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.

**EVENT SIGN** – A sign associated with an event being held in the Town of Naples or an event in a neighboring town which must be approved through the Event Ordinance by the Board of Selectmen.

**FREESTANDING SIGN:** A sign that is not attached to a building.

**HEIGHT** – The vertical distance including landscape features and mounding measured from the highest point of a sign to the mean ground grade beneath the sign.

**INTERNALLY ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

**OFF-PREMISES SIGN** – A sign which directs attention to a business, organization, product, service, event, cause, entertainment, or other activity conducted, sold, or offered at a location other than the premises on which the sign is located.

**POLITICAL SIGN** - Any temporary, political in nature, located on public property or within public rights-of-way permitted as provided by State law. Political signs are prohibited from all Town-owned properties except the public rights of way as otherwise provided by state law.

**PREEXISTING NONCONFORMING SIGN** – Any sign which was lawfully in existence prior to the effective date of this ordinance or conformed to the provisions of this ordinance at the time it was erected but does not conform to the provisions of this ordinance.

**ROOF SIGN** – A sign painted on or attached to the roof of a building.

**SANDWICH BOARD** – A self-supporting, double-paneled sign, whose panels are not parallel but are connected along one edge and separated along the opposite edge. If connected at the top or bottom, it is an A-frame sign.

**SIGN** – Any permanent or temporary device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. For purposes of this ordinance, the term “sign” does not include (i) signs located completely within an enclosed building and not exposed to view from the exterior of the building is not a sign for purposes of this ordinance, or (ii) signs erected and maintained for public safety and welfare, or pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

TEMPORARY SIGN – A sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like material and that appears to be intended to be displayed for a limited period of time.

VEHICLE SIGN – A sign on or affixed to an inoperative bus, car, boat, trailer, or other motor vehicle that is used primarily for the purpose of advertising or messaging and not for the regular function of a motor vehicle. (Also known as mobile billboards.)

This provision is not intended to prohibit signs painted upon or applied directly to a vehicle which is actively used in the regular function of a business, as long as it is parked within a legal parking space on the site

WALL SIGN – A sign attached parallel to or painted on the wall of a building.

WINDOW OR DOOR SIGN – Any sign placed on, inside or enclosed within a window or door facing the outside and which is visible from the exterior.

# DOGGY DAYCARE

## PROPOSED CHANGE TO KENNEL DEFINITION to INCLUDE DOG DAYCARE

### Current Naples:

Kennel: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

### Proposed Naples:

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where five or more dogs, owned singly or jointly, are kept, sold, housed, bred, trained or boarded including dog daycare for a fee. A state kennel license is necessary for the purposes set forth in 7 M.R.S.A. § 3907, Subsection 17 and the owner of such facility shall obtain a business license from the Naples Town Clerk. Site Plan Review approval by the Planning Board is required for this use to be established.