

# PUBLIC CAMPGROUND ORDINANCE

## Whiting, Maine

**1.0 Title.** This ordinance shall be known as the Public Campground Ordinance  
– Town of Whiting, Maine

**2.0 Purpose.** The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents and property owners of Whiting by establishing reasonable and uniform regulations for Public Campgrounds within the town.

**3.0 Authority.** This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A. Section 3001(Home Rule), and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A. Section 4312, *et seq.*

**3.1 Conflicts with other Ordinances, Laws and Regulations.** If there is a conflict between a provision in this Ordinance and a provision of any other ordinance, regulation, or statute from any jurisdiction, the more restrictive provision shall apply.

**3.2 Validity and Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of the Ordinance.

**4.0 Effective Date.** This Ordinance shall become effective on the date of its passage.

**5.0 Applicability.** This Ordinance applies to all public campgrounds in the Town of Whiting proposed to be constructed or operated after the effective date of this Ordinance. This Ordinance does not apply to individual private campsites, which are regulated under the Whiting Shoreland Zoning Ordinance and the Whiting Land Use Ordinance.

### **6.0 Definitions.**

***Campground or RV Park*** - A plot of ground upon which 2 or more campsites are located, established, or maintained for occupancy by camping units of the public as temporary living quarters for recreation, education, or vacation purposes, including erection of tents, trailers, lean-tos, overnight cabins, or similar structures and parking facilities.

***Campsite or Campground Space*** - The minimum prescribed dimension and area for each RV, or campground space in this Ordinance, which area is reserved for use by the occupants of that area.

***Interior Road or Street*** – A road which provides connection(s) from spaces within a RV Park, or Campground to an access road or to service locations within the RV Park or Campground.

***Access Road*** - A road connecting a town way to a RV Park or Campground.

***Recreational Vehicle (RV)*** - A vehicle primarily designed as temporary living quarters for recreation, camping, or travel; either with its own motive power or mounted on or towed by another vehicle. An RV is used as a temporary shelter, not

placed on a foundation, or permanently hooked to utilities.

## 7.0 Campground Standards and Requirements

**Campgrounds.** Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Each campground shall contain a minimum of 5,000 square feet of land area, not including roads and driveways, for each site and shall be no less than 50 feet wide measured at the abutting interior site line. Land supporting wetland or significant wildlife habitats and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent, or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland and significant wildlife habitat.
- (3) There shall be a fifty (50) foot setback of any campsite or campground space or structures from the side, rear, and front lot lines. Front lot lines are the lot lines separating the lot from the right-of-way line of a street or road, public or private.
- (4) The minimum lot size for a parcel used as an RV Park or Campground shall be (10) acres.
- (5) Spaces in RV Parks or Campgrounds may be used by travel trailers, camping trailers, truck campers, pick-up covers, motor homes, tents, or equivalent facilities originally manufactured for camping purposes.
- (6) Each Campsite or Campground space shall have a minimum of two parking spaces provided in a dimension of not less than 9 feet wide by 18 feet long. These may be provided on each Campsite or Campground space or within 50 feet of a RV or Campground site in common parking areas. Parking on interior roads will not be permitted to satisfy this requirement.
- (7) No building, structure, or shelter may be constructed on a campsite or campground space except tent platforms.
- (8) No campsite or campground space shall be conveyed, leased, or rented in a manner which grants or affects the rights of ownership or title in said space.
- (9) Seasonal Recreational Vehicle rentals shall be permanently connected to a water supply or septic system.
- (10) Any campground accepting Recreational Vehicles with holding tank capacity for gray and/or black water must have a dump station to receive such waste products. Permitting approval from the LPI shall be required prior to receiving a Campground Permit under this Ordinance. Any campground with four or fewer campsites may meet this requirement using off-site disposal; however, written authorization from the receiving facility or property owner is required.

## **Interior Roads and Driveways.**

- (1) Roads and driveways constructed to serve the interior of the parcel and spaces shall have a minimum travel way of 16 feet with three-foot shoulders. Culverts will be placed at all points of water courses and collection points. Runoff shall be directed to areas where it can be absorbed by the ground and not discharged in any pond, lake, stream, or wetland. The design and plan for the construction of said roads shall be by a registered professional engineer. Said design, its profiles and cross sections, shall be submitted to the Planning Board as a part of the application.
- (2) All excavation and fill shall be conducted in accordance with provisions in the Maine Department of Environmental Protection - Maine Erosion and Sediment Control Practices for such activities and shall provide measures for adequate control of soil erosion and/or sedimentation.

## **Fire Protection.**

- (1) Easements shall be provided to the Town of Whiting to allow access to existing water sources on the parcel suitable for fire protection. The sources of fire protection shall be deemed suitable by the Whiting Fire Chief and such sources shall be noted on the final site plan.

## **Refuse and Garbage Disposal.**

- (1) The storage, collection, and disposal of refuse shall not create a health hazard, rodent harborage, insect breeding area, accident hazards, or odor. All such wastes shall be stored in covered, watertight, and animal proof containers. Collection shall be sufficiently often to prevent overflowing of refuse. Central collection points shall have container racks, holders, or other means for containing the refuse until collection. Such central collection points shall be indicated on the plan. The provisions of this section shall remain the responsibility of the owner.

## **Clearing of Vegetation and Buffer Strips.**

- (1) A 50-foot vegetated buffer strip along park boundaries is required.
- (2) Clear cutting prior to submission of the plan to establish a RV park or Campground or individual private campsite is prohibited. Natural vegetation and trees shall be retained wherever possible consistent with permitted construction of spaces, roads, and utilities. Buffer strips of trees and evergreen vegetation of not less than 10 feet in width shall be maintained and created where necessary between rows of campsites or camping spaces.
- (3) All buffer strips shall be shown on the plan. The Planning Board as a part of its review may require landscaping to establish buffer strips between spaces and around the RV park or Campground perimeter.

**Sedimentation:** Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the owner to remove sedimentation from all adjoining surfaces, drainage systems, and watercourses, and to

repair any damage at his expense as quickly as possible, but in no event in more than 2 weeks.

## **8.0 Administration**

### **A. Administering Bodies and Agents**

- (1) Code Enforcement Officer
- (2) Planning Board
- (3) Board of Appeals

**B. Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit issued under this Ordinance, engage in any activity or use of land or structure with the purpose to create and operate a campground; or expand, change, or replace an existing use or structure; or resume the operation of a campground, even if previously approved by the Town, that has not been operational for more than two (2) calendar years. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

### **C. Permit Application**

- (1) Applications for initial permits and any subsequent changes shall be in writing on forms approved by the Planning Board and shall have them attached.
- (2) A set of plans, drawn to a scale of not greater than 100' to the inch, which contain the following information:
  - (A) The area and dimensions of the tract of land, map and lot number. Indicate abutting property owners on the plan.
  - (B) The location, number, and size of all park or campground spaces within the tract.
  - (C) Abutting roads and streets to the parcel, interior roads and streets, walkways, buildings, common areas, and access roads to the site.
  - (D) Location and use of existing and/or proposed buildings and structures.
  - (E) Setbacks of all RV park or campground spaces, buildings, structures, common areas, roads, streets, and walkways from property lines, normal high-water mark, or natural resources, as applicable.
  - (F) Location of all test pits, copies of approved septic designs, location of wells and/or sources of potable water. The Planning Board may require more extensive soils information if such is deemed necessary to adequately review the proposal.
- (3) Data on the existing ground water quality, either from test wells in the proposed campground or from existing wells on neighboring properties.

(4) An analysis and evaluation of the effect of the Campground or RV Park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the RV park or Campground, at the property line boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance.

(5) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the Campground and within 200 feet of the campground property boundaries.

(6) The total estimated cost of development for purposes of determining whether a substantial start in construction has occurred.

(7) All applications shall be signed by an owner or individual who can show evidence of right, title, or interest in the property, or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(8) All applications shall be dated, and Town shall note upon each application the date and time of its receipt.

(9) A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the Campground would require the installation of a subsurface sewage disposal system. For campgrounds with four or fewer campsites electing to use off-site disposal, the applicant shall provide documentation of the written authorization from the receiving facility or property owner.

**D. Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the Code Enforcement Officer, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within 35 days of the determination that an application is complete. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public meeting, if the proposed Campground is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed Campground is in conformity with the provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application, or approve it with conditions, if it makes a positive finding based on the information presented.

If a permit is either denied, or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application that

would violate any other local ordinance, or regulation, or statute administered by the municipality.

**E. Expiration of Permit.** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the Campground during that period. A substantial start is considered to be the expenditure of at least 30% of the total cost of development. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

**F. Installation of Public Utility Service.** A public utility, water district, sanitary district, or any utility company of any kind may not install services to any new Campground unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials and the utility.

### **G. Appeals**

Any decision of the Planning Board under this Ordinance may be appealed to the Whiting Board of Appeals within thirty (30) days. The Board of Appeals shall review these decisions on an appellate basis. Enforcement decisions of the Code Enforcement Officer under this Ordinance are not appealable to the Board of Appeals.

### **I. Violations; Enforcement**

a. The failure to comply with any provision of this Ordinance shall be considered a violation.

b. Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance being violated, they shall notify in writing the owner or violator responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings, or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

c. Legal Action: When the above action does result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal, or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate, or necessary to enforce the provisions of this Ordinance in the name of the municipality.

d. Fines: Violations of this Ordinance may be enforced by the Town consistent with the provisions of 30-A M.R.S. § 4452. Each proven violation of this Ordinance shall subject the violator and/or property owner to a civil penalty of at least \$100 and no more than \$2,500. Each day that a violation continues to exist shall be considered a separate violation. If the Town is the prevailing party in any action taken to enforce this Ordinance, it shall be entitled to reimbursement of all costs associated with prosecuting such violation, including reasonable attorney's fees.