

**WARRANT FOR THE ANNUAL MEETING
OF THE TOWN OF FRYE ISLAND
October 6, 2007**

Cumberland, ss State of Maine

To: Kathy Potts, a resident of the Town of Frye Island, State of Maine.

Greetings:

In the name of the State of Maine, you are hereby required to notify the inhabitants of the Town of Frye Island, in the County of Cumberland, qualified by law to vote in Town affairs to meet at the Frye Island Community Center on Saturday, October 6, 2007 at 9:00 A.M. to act upon the following Articles.

Article 1: To vote by written ballot to choose a moderator to preside at said meeting.

Article 2: To vote by written ballot to elect one person to a one year term to the Board of Selectmen. (To fulfill the term left vacant by Mr. Kuikens resignation).

Names in Nomination
Phil Perry

Article 3: To vote by written ballot to elect one person to a three year term to the Board of Selectmen.

Names in Nomination
Mark Thomas

Article 4: To vote by written ballot to elect one person to a three year term to the Board of Island Trustees.

Names in Nomination
Bruce Nisula

Fiscal Year 2007

Article 5: To see if the registered voters of the Town of Frye Island will vote to appropriate \$154,592 from municipal revenues; and raise and appropriate from property taxes \$794,406 for municipal services and \$1,076,458 for non-municipal services for 2008. *(This total for municipal services includes \$74,024 which will be deposited into the "water reserve" for the purpose of updating the municipal water system).*

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article

Article 6: To see if the Voters of Frye Island will vote to raise and appropriate the sum of \$7000.00 to be used for the July 4th fire works display and other expenses associated with the 10th birthday celebration of The Town of Frye Island. (Approval of this article will increase the tax rate by 6.84 cents per \$1000 of property value).

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article

Article 7: To see if the Voters of Frye Island will vote to raise and appropriate the sum of \$2000.00 to be used for improving the beach and swimming areas on Frye Island. (Approval of this article will increase the tax rate by 1.95 cents per \$1000 of property value).

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article

Article 8: To see if the Voters of Frye Island will vote to establish semi annual tax payments for 2008. The first payment of ½ the taxes owed to be due and payable on December 31st 2007 and the second half to be due and payable on June 30, 2008.

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article

Article 9: To see if the Voters of Frye Island will vote to set the highest interest rate allowed by law for all overdue taxes.

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article

Article 10: To see if the Town will vote to authorize and direct the Selectmen and Treasurer, at their discretion, to sell by sealed bid or public auction and convey by quit-claim deed, any real estate acquired from tax sources by the Town, or to convey the property to the prior owner upon payment in full of all taxes, interest and charges incurred by the Town. Selectmen reserve the right to reject any and all bids.

**The Board of Selectmen / Board of Island Trustees Executive
Committee recommends approval of this warrant article**

Article 11: To see if the Town will vote to authorize the Selectmen and the Treasurer, on behalf of the Town and any of the Town's departments, to accept gifts, real estate, donations, and other funds, including trust funds that may be given or left to the Town, and to grant the Selectmen the further authority to expend such sums of money as they deem necessary from these donations or for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

**The Board of Selectmen / Board of Island Trustees Executive
Committee recommends approval of this warrant article**

Article 12: To see if the Town will vote to authorize the Selectmen and the Treasurer to accept and expend, on behalf of the Town, any Federal or State funds received in the form of grants during its fiscal year.

**The Board of Selectmen / Board of Island Trustees Executive
Committee recommends approval of this warrant article**

Article 13: To see if the Town will vote to authorize the Selectmen to expend such sums of money as they deem necessary from the Designated Reserve Funds for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

**The Board of Selectmen / Board of Island Trustees Executive
Committee recommends approval of this warrant article**

Article 14: To see if the Town will vote to amend the Land Use Ordinances Chapter 101, Article I, §101-I-14(F) (4), and Article III, §101-III-16 (I) (5) to read as follows:

“In accordance with 30-A, M.S. R.A. Section 2691(3) (F), the Board of Appeals may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest including abutters and those who testified at the original hearing(s). The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Appeal of reconsideration to the Superior Court must be made within fifteen (15) days after the decision on reconsideration”

**The Planning Board, Board of Appeals and the Town Attorney
recommend approval of this warrant article.**

Article 15: To see if the Town will vote to amend the Land Use Ordinances Chapter 101, Article I, §101-I-11 (E), to read as follows:

101-I-11 Administration and Enforcement

E. Application for Building Permit

1. All applications for building permits shall be accompanied by plans drawn to scale, showing the following:
 - a. The actual dimensions and shape of the lot to be built upon.
 - b. The exact sizes and locations on the lot of buildings already existing, if any.
 - c. The location and dimensions of the proposed building or alteration.
2. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance to and provide for the enforcement of this Ordinance.

When determining conformance with the Ordinance the Code Enforcement Officer may require a certified boundary survey for any new construction or change to an existing footprint, to be submitted before construction commences unless based on the Code Enforcement Officer assessment, there is sufficient space and sufficient evidence and accuracy of monuments, e.g. iron pins, pipes and drill holes. Any application not requiring a survey will be confirmed in writing by the CEO.

**The Planning Board and the Board of Appeals recommend approval of
this warrant article.**

Article 16: To see if the town will vote to adopt the 2003 edition of the International Residential Code, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings not more than three stories in height with separate means of egress in the Town of Frye Island; providing for the issuance of permits and collections of fees therefore; repealing all other Ordinances and parts of the Ordinances in conflict. (See appendix A for details)

The Board of Selectmen / Board of Island Trustees Executive Committee recommends approval of this warrant article.

Article 17: To see if the Town will vote to adopt an ordinance known as “**The Town of Frye Island Dog Control Ordinance**”. (See appendix B for details)

The Planning Board recommends approval of this warrant article.

The Municipal Officers of the Town of Frye Island

_____, John Nun, Selectman

_____, Brian Walker, Selectman

_____, Grace Morin, Selectman

Appendix A

The Voters of the Town of Frye Island do ordain as follows:

Section 1: That a certain document, one (1) copy of which is on file in the office of the Town Clerk of the Town of Frye Island, being marked and designated as the International Residential Code, 2003 edition, as published by the International Code Council and is hereby adopted as the code of the Town of Frye Island, in the State of Maine for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code, on file with the office of the Town of Frye Island and hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2: The following sections are hereby revised:

Section R101.1 Insert: Town of Frye Island

Section R301.2 (1) Insert: Table Attached

Section R104.10.1: Deleted

Section R105.2: Deleted

Section R105.3.1.1: Deleted

Section P2501 through P3201 (Plumbing): Deleted

Section E3301 through E4204.5 (Electrical): Deleted

Appendices: E, G and J are hereby adopted

Section 3: All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The voters hereby declare that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases be declared unconstitutional.

Section 5: That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Appendix A

Section 6: That the Town Clerk is hereby ordered and directed to cause this Ordinance to be made available during normal business hours.

Sections 7: That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take affect and be in full force and affect from and after the date of its final passage and adoption.

Appendix B

TOWN OF FRYE ISLAND DOG CONTROL ORDINANCE

Section 1, Purpose: The purpose of this ordinance is to control dogs throughout the Town of Frye Island in the interest of health, safety and general welfare of its residents.

Section 2, Violations:

- Barking dogs: No person shall own, keep or harbor any dog which, by loud, frequent or habitual barking, howling or yelping, shall disturb the peace of any person or persons for more than 30 minutes.
- Dogs running at large: No person shall allow a dog to run at large. At large shall be defined as "off the premises of the owner and not under the control of any person whose presence and attention would reasonably control the conduct of the dog."
- Dangerous dogs: A dog which bites a human being in an unprovoked situation shall be considered a dangerous dog and defined as such per state animal welfare laws.
- Beaches: No person shall allow a dog on any of the public beaches on Frye Island between the hours of 10:00 A.M. and 5:00 P.M.
- It shall be a violation of this chapter for any person who owns a dog, or anyone having a dog under his or her control, to fail to immediately remove and lawfully dispose of any feces left by the dog on any of the public beaches on Frye Island.

Section 3, Enforcement:

- Any person, who shall violate the provisions of this ordinance, shall upon the first occasion thereof, be given a written warning, which shall include the date and time it was issued.
- Upon conviction of any subsequent violations within a period of six (6) months from such warning, the person found to be in violation shall be punished by a civil penalty according to the following schedule:
 - First Offence \$50.00
 - Second Offence \$100.00
 - Third and Subsequent Offences \$200.00

Any Police Officer, Animal Control Officer, Cumberland County Sheriff or Constable within the Town of Frye Island shall have the authority to enforce this ordinance.

Section 4, Impounding: Any Police Officer, Animal Control Officer, Cumberland County Sheriff, or Constable within the Town of Frye Island may seize, impound, or restrain any dog violating this ordinance or State law.

Effective Date This Ordinance shall be in full force and effect when enacted.