

**MANUFACTURED HOUSING AND MOBILE HOME PARK ORDINANCE**  
**FOR**  
**EMBDEN, MAINE**

ADOPTED: Gloria Young

## STEPS TO GAIN APPROVAL OF NEW MOBILE HOME PARK

1. Obtain a copy of the subdivision and Mobile Home Park Ordinances from the Town Office.
2. Develop a sketch plan including a rough lay out of the park.
3. Present the sketch plan to the Planning Board. The Planning Board will classify as a major or minor subdivision and schedule an on-site visit. The Planning Board will also identify any design problems.
4. The next step is to present the Planning Board with a preliminary plan. This step can be waived if it is a minor subdivision. At this point, the Planning Board will perform a thorough review of the plans and schedule a public hearing.
5. The last step before the Planning Board will be the presentation of the final plan and the public hearing. These usually occur at the same time.
6. After approval by the Planning Board, the applicant may begin construction of the park including the roads, driveways, foundations, and septic systems.
7. Following the completion of construction, the applicant needs to apply for a license from the selectmen to begin operation of the park.
8. Once the applicant has applied for a license, the CEO will inspect the park to ensure that it was constructed according to the standards in the ordinance and any conditions that the Planning Board placed on the approval. The CEO will make a written report to the Selectmen and they will issue a license if the park is in compliance.

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## TOWN OF EMBDEN

### MANUFACTURED HOUSING AND MOBILE HOME PARK ORDINANCE

#### SECTION I - TITLE AND PURPOSE

1. Title

This ordinance shall be known and may be cited as the "Manufactured Housing and Mobile Home Park Ordinance of Embden, Maine," and will be referred to herein as the "Ordinance".

2. Purpose

The purposes of this Ordinance are to establish minimum standards for the placement of manufactured housing and mobile homes within parks in accordance with the provisions of Title 30 M.R.S.A., Section 4358, "Regulation of Manufactured Housing", to provide opportunities for the location of affordable and safe housing within the Town, and to assure a safe and healthful environment for residents of mobile home parks.

#### SECTION II - AUTHORITY, APPLICABILITY & ADMINISTRATION

1. Authority

This Ordinance is adopted as amended pursuant to the home rule powers provided for in Articles VII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001, and Title 30 M.R.S.A., Section 4358, "Regulation of Manufactured Housing".

2. Applicability & Effective Date

This Ordinance shall apply to all land proposed for subdivision into parks for manufactured housing or mobile homes within the boundaries of the Town of Embden. This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Embden in town meeting.

3. Administration

The provisions of this Ordinance shall be administered by the Town of Embden Planning Board and enforced by the Town of Embden Code Enforcement Officer.

#### SECTION III - SEVERABILITY AND CONFLICT

1. Severability

Should any section of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other sections or provisions of this Ordinance.

2. Conflict

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

#### SECTION IV - AMENDMENT OF THIS ORDINANCE

1. Initiation of Amendment

This Ordinance may be amended by a majority vote at a regular or special town meeting. An amendment to this Ordinance may be initiated by:

- A. A majority vote of the Planning Board;
- B. By request of the Board of Selectmen to the Planning Board;
- C. By petition directed to the Selectmen containing a number of signatures at least equal to 10% of the votes cast in the last Gubernatorial election in the town.

## 2. Adoption of Amendment

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board shall conduct a public hearing on any proposed amendment at least fourteen (14) days in advance of the town meeting and shall make their recommendations known to the Selectmen and the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of Embden, Maine at a Town Meeting, a majority vote being required for adoption.

## SECTION V - REVIEW & MINIMUM DESIGN AND PERFORMANCE STANDARDS

### 1. Permit Requirements

No person, firm, corporation, or other legal entity shall locate manufactured home or a mobile home in the Town of Embden or move a manufactured home from one lot or parcel of land to another without a permit from the Planning Board. The Planning Board shall issue a permit within seven days of receipt of a written application. The permit shall specify that unless the unit is brought into compliance with the requirements of Section V-4, hereinafter within two months of the date of its issuance, the permit will be revoked.

### 2. License Requirements

Submission of evidence of approval for Subdivision by the Planning Board is required with the application for a manufactured or mobile home park license. No person, firm, or corporation shall establish a new, or maintain an existing manufactured or mobile home park within the Town of Embden without a license issued in conformity with the provisions of this Ordinance. A license must be obtained prior to installation of the first mobile home. Each license shall expire on the 31st day of December following the date of issuance. The fee for a mobile or manufactured home park license issued by the Board of Selectmen will be fifty (50.00) dollars to be paid annually. The fee for a mobile or manufactured home permit issued by the Planning Board is fifty (50.00) dollars.

### 3. Non-Conforming Structures

Any manufactured or mobile home which fails to meet any of the definitions in Section 10-3, as amended which was lawfully established prior to the effective date of this Ordinance, shall be considered a non-conforming structure and may continue to be maintained, repaired, improved, expanded, or relocated on another portion of the same lot.

### 4. Manufactured Housing and Mobile Home Standards

All manufactured housing located on individually owned lots in the Town of Embden shall comply with the same requirements set for any single family house in Embden. The size requirements shall be that required at the time of manufacture, whether before or after June 15, 1976.

### 5. Location of Manufactured Housing and Mobile Homes

Manufactured housing and mobile homes may be located within the Town of Embden in accordance with the standards applicable to single family dwellings.

### 6. Manufactured Home and Mobile Home Parks

Manufactured and mobile home parks or their extensions shall be reviewed by the Embden Planning Board under the Subdivision Ordinance for the Town of Embden. Manufactured and mobile home parks shall conform with all State laws and local ordinances or regulations. They shall further conform to the following requirements.

- A. Location: Mobile home parks shall be located only in environmentally suitable locations. Environmentally sensitive locations include, but are not limited to:
- a. Wildlife habitat areas
  - b. Wetlands or swamps
  - c. Prime agricultural lands
  - d. Areas with steep slopes
  - e. Areas with soils unsuitable for septic systems
  - f. Flood plain areas
  - g. Shoreland Zone
- B. Access: The Park shall have at least one access road with a right-of-way width of not less than 23 feet, a traveled-way width of not less than 20 feet, and unobstructed access to a public road. A mobile home park containing more than 20 mobile home sites shall have a second exit to a public road.
- C. Service Roads: The Park shall be provided with service roads with well-drained, stabilized, or paved surfaces maintained and in good repair, and well illuminated at night. The travelled-way width shall be not less than 18 feet, and where parallel parking is permitted, on one side of the street only, the total width of such street shall be not less than 26 feet; and where parking is permitted on both sides of the street.
- D. Size of Park: The Park shall have an area consisting of the total of:
1. The area required for the road rights of way.
  2. The area required for the buffer zone.
  3. The area required for lot size.
  4. Area required for open area if required.
- 3 or more is "park"*
- E. Individual Mobile Home Lot: Each mobile home lot shall contain a minimum area of:
1. 20,000 square feet if the lot is served by an on-site (lot) sub-surfaced septic system and soils are suitable.
  2. 12,000 square feet if the lot is served by a central on-site (park) sub-surfaced septic system approved by the Department of Human Services and the overall density of the mobile home park is 20,000 square feet per home.
  3. Lots located within any shoreland zoning district shall meet all lot area, width, shore frontage, and requirements for that district.
- F. Mobile Home Lot Frontage: An individual lot frontage shall have not less than 60-foot frontage on a service road, except that a site fronting on a cul-de-sac shall have not less than a 30 foot frontage, measured clearly marked, and the site shall be well surfaced or seed to provide adequate drainage beneath and adjacent to any mobile home parked thereon.
- G. Motor Vehicle Parking Space: Off-street parking for two vehicles per mobile home shall be provided and all such spaces shall have a well-drained, stabilized, or paved surface maintained in good repair.

- H. Garbage Receptacles: Garbage cans with tight-fitting covers shall be provided in quantities to adequately supply disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- I. Sale of Mobile Homes in Mobile Home Park: Sale of new mobile homes located in a mobile home park shall be limited to the sale of such homes that are intended for placement within the park.
- J. Fuel Storage and Supply: Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the Code Enforcement Officer. These rules apply to all fuel oil supply systems that shall be constructed and installed in each mobile home lot.
- K. Refuse Storage: Storage of refuse shall be accomplished in such a manner as to minimize: health hazards, rodent harborage, insect breeding areas, accident, wild fire, obnoxious odors, air pollution, and access to domestic or wild animals.
- L. Placement of Mobile Homes: No mobile home shall be placed less than 10 feet from the side of any individual mobile home site and there shall not be less than 35 feet between any two mobile homes. No mobile homes shall be placed less than 100 feet from any house located on any adjacent lot, nor less than 50 feet from the right-of-way of any public road. Shoreland zoning setback apply to any unit within the shoreland zone.
- M. Removal of Mobile Homes: Any manufactured or mobile home shall not be removed from a lot until a written certificate is obtained from the Tax Collector of Embden identifying the mobile home and stating that all property taxes applicable to the home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxation.
1. No unit 20 years of age or older shall be placed in the park.
- N. Accessory Structures and Additions: Accessory structures shall not be established upon a lot, nor an addition to manufactured or mobile home without a building permit issued by the Planning Board of Embden.
- O. Buffer Strips: A 50 foot buffer strip shall be provided along any property boundaries. No structures, streets, or utilities may be placed in the buffer strip except that they may cross the strip to provide services to the park. It is requested that within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs, trees, etc.) and/or natural vegetation. This screening shall effectively screen at least 80% of the homes from view of the adjacent property and shall be maintained throughout the life of the project.
- P. Conversion of the Park: No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board and any such lot sold or conveyed shall meet the minimum lot size, set-back, width, and other requirements for individual lot size. The land within the park shall remain in unified ownership and the fee to lots or portions of lots shall not be transferred.
- Q. Storm Drainage: A storm drainage and erosion control plan shall be prepared by a licensed professional engineer showing: ditching, culverts, storm drains, easements and other proposed improvements sufficient to accommodate a 25 year storm.



- R. Groundwater: An assessment of the impact of the park development on groundwater quantity and quality shall be submitted to final approval of the park. The assessment shall be prepared by a certified Geologist or a licensed Professional Engineer and shall include the following:
1. A map showing all the basic soil types.
  2. The depth of the water table at representative points throughout the mobile home park.
  3. Drainage conditions throughout the mobile home park.
  4. Data on existing ground water quality and quantity either from test wells or existing wells on neighboring property.
  5. An analysis and evaluation of the effect of the mobile home park on the ground water resources. This evaluation should include, at a minimum, a projection of post development nitrate-nitrogen concentrations and any wells within the park, at park boundaries, and at a distance of 1000 feet from the potential contamination sources, whichever is a shorter distance. For mobile home parks within a lake watershed, projections of the developments impact on groundwater phosphate concentrations shall also be provided.
  6. A map showing the location of any subsurface wastewater systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
  7. An analysis and evaluation of significant aquifers.
  8. Effect on natural surface waterways.
- S. Individual Mobile Home Lots Will Each Be Supplied With:
1. A continuing and potable supply of safe and sanitary water.
  2. An adequate sewage disposal means.
  3. An adequate electrical power source.
- T. Extension of and Alteration of Mobile Home Parks: Mobile home parks may not be extended or altered except in conformance with the provisions of this Ordinance.
- U. Fire Protection: The applicant shall construct water storage structures with dry hydrants for fire fighting purposes, inspectable and acceptable to the Fire Chief and/or CEO. An easement shall be granted to the Town for access to hydrants where necessary. This article may be waived upon proof by the Fire Department of an adequate water supply nearby deemed available for fighting fires.

## SECTION VI - ENFORCEMENT

It shall be the duty of the Code Enforcement Officer of the Town of Embden to enforce the requirements of this Ordinance. If this Ordinance is being violated, the Code Enforcement Officer, hereafter called CEO, shall notify in writing by registered mail, return receipt requested, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notices and receipts shall be maintained as a permanent record in the Town Office by the CEO.

When above action does not result in the correction or abatement of the violation, the Selectmen of Embden upon notice from the CEO are, hereby, authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the impositions of fines that may be appropriate or necessary to enforce provisions of this Ordinance in the name of the Town of Embden in accordance with the provisions of Title 30, Section 4966, M.R.S.A.

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violations shall be guilty of a misdemeanor, subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for each violation. Each day such a violation is continued may be counted as a separate offense.

## SECTION VII - PERFORMANCE GUARANTEES

### 1. Guarantee Required

A. The Final Plan: The final plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement.

1. A performance guarantee may be tendered in the form of a certified check payable to the Town of Embden, a savings account passbook issued in the name of the Town of Embden or a faithful performance bond running to the Town of Embden and issued by a surety company acceptable to the Planning Board. The amount shall be 125% of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, utilities, and all other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two (2) years from the date of such check, pass book or bond issuance. In the case of a performance guarantee, building permits may be issued for construction within the subdivision prior to the completion of required improvements, but the required improvements shall be completed and approved prior to any occupancy.
2. A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the CEO for any building or any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan.

B. Completion of Required Improvements: shall be determined by the CEO to his/her satisfaction, who shall receive written and signed certifications by the town Selectmen and Road commissioner and, if necessary, at the expense of the subdivider, by a professional engineer registered in the State of Maine that all improvements assured by the performance guarantee or conditional agreement have been constructed in accordance with the Final Plan and all applicable codes and ordinances. The engineers report shall also certify that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

### 2. Release of Performance Guarantee

A. The performance guarantee shall be released by the Planning Board upon the request of the subdivider only after:

1. The Board received the above certifications of completion.
2. The subdivider has furnished the Town with an accurate record plan and profile (original ink drawings on linen) of all streets including drainage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed with sufficient ties for proper identification.
3. The subdivider has presented to the Selectmen a petition for the laying out and acceptance as a Town way of the dedicated streets in the subdivision or portion thereof for which release of the Performance Guarantee is sought.

## SECTION VII - VARIANCES AND WAIVERS

### 1. Hardships

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary those standards so that substantial justice may be done and the public interest secure; provided that such variations will not have nullifying effect on the intent and purpose of the Official Map or the Comprehensive Plan.

## 2. Special Circumstances

Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare, or is inappropriate because of inadequate or lack of connecting facilities adjacent to or proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

## 3. Granting Variances and Modifications

In granting variances and modifications, the Planning Board shall require such conditions as will, and in its judgement, secure substantially the objectives of the requirements so varied or modified.

# SECTION IX - APPEALS

## 1. Disapproval of Application or Approval With Conditions

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may or may not reverse the Planning Board's decision after holding a public hearing and may or may not grant a variance as defined herein. Public hearings shall be held in accordance with 30 M.R.S.A., Section 2411.

# SECTION X - DEFINITIONS

## 1. Construction of Language

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

## 2. Relationship to other Town Ordinances

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

## 3. Definitions

Board of Appeals: The Appeals Board of the Town of Embden as created by 30 M.R.S.A. 4954

Body of Water: Shall include the following:

- A. Pond or Lake - any inland impoundment, natural or manmade, which collects and stores surface water.
- B. Stream or River - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.
- C. Tidal - any area upon which tidal action occurs.

Code Enforcement Officer - A person appointed by the Selectmen of the Town of Embden to administer and enforce this Ordinance. Reference to the Code Enforcement Officer (CEO) may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Comprehensive Plan: Any part or element of the overall plan for development of the Town of Embden as defined in Title 30-A M.R.S.A. 4301 and as the same may be amended from time to time.

Driveway: A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Environmentally Sensitive Areas: Wetlands, swamps, dune area, wildlife habitat areas, prime agricultural areas, areas with steep slopes, areas with poorly drained soils if not on a public sewer, and flood plain areas (subject to 100 year floods).

Family: One or more persons occupying a premise and living as a single family housekeeping unit.

Frontage: The linear distance between sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. A way accepted by or established as belonging to the Town of Embden, or the State of Maine, provided access is not specifically prohibited.
- B. A road way, whether dedicated to public ownership or not, as shown on an approved mobile home park plan; this road way must have been constructed before consideration for lot access.

Lot Area: The total horizontal area within the lot lines.

Lot Coverage: The distance between the side boundaries of the lot measured at the front setback line or the shortest distance between the side boundaries anywhere along their length, whichever is shortest.

Manufactured Housing Unit: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis or an independent chassis, to a building site. The term in any type of building which is constructed a manufacturing and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this definition, two types of manufactured housing are included, these two types are:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the travelling mode are 14 body feet or more in width and are 750 square feet or more, and which are built on a permanent chassis and designed to be used as dwellings with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code Title 42, Section 5401, et seq.; and:
- B. Those units commonly called "modular homes", which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. The Planning Board may require a lot to be designated on a mobile home park plan.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board designed and/or used to accommodate three or more manufactured housing units on individually owned lots.

Normal High Water Mark of Inland Waters: That line of the shores and bank of nontidal waters which is apparent because of the different character of the soil or the vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses, aster, lady slipper, wintergreen, partridge berry, sarsparilla, pines, cedars, oak, ash, elms, maples and alders). In places where the shore or bank is of such characters, then the high water mark shall be estimated from places where it can be determined by the above method.

Planning Board: The Planning Board of the Town of Embden was created by Title 30, M.R.S.A. 4952.

Road: Public and private ways such as alleys, avenues, boulevards, highways, roads, streets, lanes, and other rights-of-way, as well as areas on mobile home park plans designated as rights-of-way.

Road Commissioner: The elected officer of the Town of Embden in charge of the roads in said Town.

Selectmen: The primary elected officials of the Town of Embden.

Setback: The horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure.

Subdivision Ordinance: The Town of Embden Subdivision Ordinance as adopted December 13, 1973 by the town and its subsequent amendments.

§: A symbol used by legislating bodies or entities meaning "subsection".

Undue Hardship:

- A. That the land in question cannot yield a reasonable return unless a variance is granted; and
- B. That the need for a variance is due to the unique circumstances of the property and not to be general conditions in the neighborhood; and
- C. That the granting of a variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or prior owner.

Variance: A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, or a prior owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless all elements are present in the case.

#### SECTION XI - CERTIFICATE OF ADOPTION

I hereby attest that this is a true copy of the Manufactured Housing and Mobile Home Ordinance for the Town of Embden, Maine duly adopted on

Mar. 4, 1997

\_\_\_\_\_  
Embden Town Seal

Glenn Young  
Embden Town Clerk

7-25-97

Date

