

*Article #5*  
**Amendment #**  
*Harbor Ordinance*

**Ballot Language:** The following language would appear on the ballot:

**Article X**

The Town hereby ordains to amend the Harbor Ordinance.

**Statement of Fact:** The purpose of these amendments are to amend the definitions of High and Low Water Mark; add new definitions of Highest Astronomical Tide, North American Vertical Datum of 1988; and define river management zones in the York River. The amendments also ensure gender neutrality reference within the ordinance.

**Recommendations:**

Recommended by the Board of Selectmen:

**Amendment:** Amend Section 1 Definitions with the following:

*HIGHEST ASTRONOMICAL TIDE (HAT): The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Epoch.*

*HIGH WATER MARK: The highest elevation of the water during the highest ~~annual tide~~ astronomical tide as published ~~on the tide tables for York Harbor from~~ by the National Oceanic and Atmospheric Administration (NOAA) ~~at the closest tide station, which is also interpreted by the Maine Department of Environmental Protection for the current year.~~*

*LOW WATER MARK: The lowest elevation of the water during the lowest tide immediately following the highest ~~annual tide~~ astronomical tide as published by the National Oceanic and Atmospheric Administration (NOAA) at the closest tide station.*

*NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD1988) - is a geodetic mean sea level datum and the standard vertical datum used for surveying and engineering in the continental United States. The NAVD88 datum point for York, Maine is 4.57 feet above Mean Low Water.*

*RIVER MANAGEMENT AREAS- all waters that are under the authority of the York Harbor Board per the Town of York Harbor Ordinance will be separated into management zones in order to better manage these areas based on the historic nature, ecology and the general use of each area. In all defined areas, any tidal tributaries that end in that particular area will be subject to the area standards.*

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- Area 1- main harbor- The eastern boundary line is the York Harbor Entrance Channel as defined in the Town of York Harbor Ordinance and the zone extends westward to the Route 103 Bridge.*
- Area 2- Wiggly Bridge- The eastern boundary line is the Route 103 Bridge and the zone extends westward to Sewall's Bridge.*
- Area 3- Brickyard- The eastern boundary line is Sewall's Bridge and the zone extends westward to the Route 95 bridge.*
- Area 4- Bass Cove- The eastern boundary line is the Route 95 bridge and extends westward to the Scotland Bridge Road bridge.*
- Area 5- upland- The eastern boundary line is the Scotland Bridge Road bridge and extends westward to the head waters of the York River.*
- Area 6- Brave Boat Harbor- The eastern boundary line is the mouth of Brave Boat Harbor and extends westward to the Route 103 roadway.*
- Area 7- Cape Neddick Harbor- The eastern boundary line is the bell buoy at Cape Neddick Harbor and extends westward to the Clark Road bridge.*

**Amendment:** Amend Section 3- Harbor Use Regulations, specifically subsection I- Construction and Alteration of Structures with the following:

**I. Construction and Alteration of Structures**

1. It shall be unlawful to either construct a new structure or to make any addition, alteration, or change to an existing structure without prior application to the Harbor Board. For the purposes of this provision, the term "structure" shall include, but shall not be limited to, any dock, float, moored float, pier, wharf, or landing located or to be located within the jurisdictional limits of this ordinance.
2. This provision shall not apply to routine repairs and maintenance to existing structures. The requirements of this provision shall be in addition to any other applicable local, state, or federal requirements.
3. The following procedure shall be applied by the Harbor Board when reviewing applications for new structures and for additions, alterations, or changes to existing structures:
  - a. Any person wishing to construct a new structure and/or make additions, alterations, or changes to an existing structure:
    1. File an application on the form provided by the Harbor Board;
    2. Provide a plan that shows the proposal in plan view which meets the following requirements:

- a. is prepared and certified by a Maine-licensed Professional Engineer;
  - b. has a signature block with a title, "Approval of the Town of York, Maine", has signature and date lines for the Chair of the Harbor Board, the Code Enforcement Officer and the Chair of the Board of Selectmen, and concludes with the sentence, "All 3 signatures shall be required before the plan is considered approved and construction may commence."
  - c. shows all information necessary to demonstrate compliance with all applicable codes; and
3. Pay a non-refundable application fee of \$50.
- b. The Harbor Board shall hold a public hearing on the application within thirty days (30) of the filing date.
  - c. Notice of the public hearing shall be posted at the Town Hall and shall also be published in a newspaper of general circulation at least seven (7) business days prior to the public hearing.
  - d. The Harbor Master shall attend the hearing and shall present all information deemed appropriate for the Harbor Board's understanding of the application.
  - e. The Harbor Board shall not approve the application unless a majority of members present and voting finds that the new structure, or the addition, alteration, or change to the existing structure will neither impede navigation nor endanger vessels. In addition to this general standard, the following shall also apply:
    - 1. New wharves, piers and floats shall not extend closer than 100 feet from the opposite marsh bank. All measurements shall be made perpendicular to the high water mark of the natural shoreline. No measurements shall be made from any man-made structure.
    - 2. To avoid interference with navigation, no pier or float combination shall extend into the channel a distance greater than 10% of the width of the channel at low tide.
    - 3. Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water ~~channel~~ *mark* is 50 feet or less from the high water mark. Wharves, piers, and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water ~~channel~~ *mark* is 84 feet or less from the high water mark. No wharves, piers or docks will be permitted in Barrells Mill Pond. All measurements shall be made perpendicular to the high water

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mark of the natural shoreline at the location of the proposed structure. No measurements may be made from any man-made structure.

4. To be repaired in kind, the structure (in this context to include wharf, pier, dock and/or float) must have been in place and functioning as intended, in the opinion of the Harbor Master, within 24 months of the Town's receipt of an application. When repaired, all reasonable measures shall be taken to bring the structure into conformance with current standards to the greatest extent possible and only upon issuance of a permit by the Harbor Board. A structure that has not been functioning as intended for longer than 24 months, in the opinion of the Harbor Master, may be repaired or replaced only in full compliance with all current local and State permitting requirements. Shoreland and Building permits from the Code Enforcement Officer may also be required. See also – Zoning Ordinance §8.3.6.10.
- f. The Harbor Board shall advise the Board of Selectmen regarding applications for wharves and weir fish licenses pursuant to 38 M.R.S.A. §1022.
- g. Notice of the Harbor Board's decision shall be sent to the applicant within thirty (30) days of the date of the public hearing and within seven (7) business days of the decision. Decisions shall be in writing, shall contain a statement of findings and conclusions, and shall state the reasons for the decision.
- h. Appeals from the Harbor Board's decision shall be made in accordance with Maine law.
4. Immediately following completion of any construction work approved under Section 3, above, and before lawful use commences, a Maine-licensed Professional Engineer shall provide certified written documentation that all work was completed in full compliance with the approved plan. Failure to provide such certification of full compliance shall be treated as a violation of this Ordinance as of the date of completion of construction. See Section 10 for penalties. Additionally, the Harbor Board may ask the Code Enforcement Officer to check for zoning violations.

**Amendment:** Amend Section 4- Mooring Space Assignments by changing any reference regarding "his" to "their."

#### **SECTION 4. MOORING SPACE ASSIGNMENTS**

- A. All mooring spaces are under the exclusive control of the Harbor Master and must be

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assigned annually from established lists maintained by the Harbor Master, of persons either holding or desiring a mooring permit, except for designated mooring spaces which the Harbor Master may assign to transient vessels.

- B. No vessel of greater than 50 feet in length overall shall be assigned a free-swinging or Bow & Stern mooring space in York Harbor. Vessels over 50 feet in length overall which have been assigned mooring space prior to adoption of this amendment are excepted, so long as their application for annual permit renewal is otherwise in good standing. Bow sprits, Pulpits, Booms, Outboard swim platforms, all shall be considered in the assignment of a mooring.
- C. Mooring Space Application: Any person seeking a mooring space shall file an application with the Office of the Harbor Board . Upon payment of an application fee, the applicant's name shall be added to the waiting list maintained by the Harbor Master in the order the application fee was received. All applicants are responsible for giving notice of any change of address. An annual fee for each mooring application will be billed on December 1<sup>st</sup> and be due by January 2<sup>nd</sup> of the following year. Failure to pay the annual fee will result in applicant's name being purged from their respective lists.
1. Applicants will indicate a range of vessel size, provided that when they receive a space assignment they must utilize it for a vessel of the size and type indicated on the mooring permit by the end of the first full boating season after receipt of the space assignment, and in no case shall ever utilize it for a vessel of different size class than approved for the space assignment without written approval of the Harbor Master. If the applicant cannot utilize the assigned mooring space within the first full boating season, the applicant may offer the space to the Harbor Master for the Temporary (One Season) Waiting List before May 31<sup>st</sup> to retain the space assignment for one season.
  2. The Town shall develop a procedure to purge the waiting list of applicants that no longer desire a mooring or who cannot be contacted by Registered mail. Said procedure shall be approved by the Harbor Board and the Board of Selectmen.
- D. Waiting List: All new mooring space assignments shall be made on a "first come, first served" basis from established waiting lists maintained by the Harbor Master, except as provided by statute, following the procedure provided in Section III. Applicants will be listed chronologically according to the size range of their sail or powerboat and declare their choice(s) of mooring location within the Mooring Field Plan shown on the last page of this document. Applicants may change to a different size range list and/or location field as long as they maintain position on the list chronologically from the time of application. The Harbor Master shall review mooring space applications with regard to space available for the length, draft and type of vessel indicated and as evaluated by the Harbor Master. Upon approval by the Harbor Master, it is the responsibility of the applicant to submit the approved mooring space application to the Town Clerk, together with all fees, fines and penalties due. The applicant will then present the mooring space

application to the Harbor Master, who will issue a permit and location for such mooring space and advise the applicant concerning the requirements of these rules and regulations. Priority will be given to commercial fishermen (lobster, dragger, gillnet, & charter, etc.). Upstream of the Route 103 bridge on the York River, which is above the Federal Navigation Project (federally funded dredging), priority will be given to commercial fishermen who are York residents.

1. Applicants on a Waiting List may refuse an offered mooring space and retain their relative position on the List only twice before being moved to the end of their respective list. Applicants will have 14 days to respond to mooring assignment offers by mail. The Waiting Lists shall be available for inspection by the public during regular business hours at the office of the Harbor Board and online at <http://www.yorkmaine.org/Committees/HarborBoard/tabid/65/Default.aspx>.
- E. New Assignments Procedures: The Harbor Master shall create a list of available mooring spaces, specifying the length, type, and location of vessel to be accommodated at each mooring space. The Harbor Master shall send the list by mail to all persons on the waiting list whose applications are for the location(s) and space for a vessel of approximately the same length, draft, and type as those previously assigned to one or more of the available mooring spaces. Applicants shall then make known to the Harbor Master their interest in specific available mooring spaces. The Harbor Master shall assign each of the available spaces to the highest ranked qualified applicant asking for that specific space. Failure to respond to two notifications of an available mooring, or notice returned two times “unable to deliver” will result in name being removed from the Mooring Waiting list.
1. Mooring space assignees may change vessels on their assigned mooring only with the permission of the Harbor Master. In general they will be limited to the same approximate size and type of vessel unless, in the judgment of the Harbor Master, a change can be made without adversely affecting the Harbor mooring plan or adjoining mooring space assignees.
  2. An approved mooring space assignee has the responsibility of providing and maintaining ~~his~~ *their* own mooring hardware or moored float and its associated hardware.
  3. Mooring assignments may not be transferred, except that a mooring assignment used for commercial fishing purposes may be transferred only at the request or death of the assignee, only to a member of the assignee’s family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purpose of this subsection, “member of the assignee’s family” means an assignee’s spouse, parent, child, or sibling, by birth or by adoption, including a relation of the half blood. Mooring assignments may not be rented.

4. Marinas and individuals shall not control or assign any berth space except at their own privately owned piers, docks, and floats attached to private property. A vessel without a mooring permit shall not be permitted to remain on a mooring unless assigned by the Harbor Master in accordance with the provisions of this Ordinance. Vessels occupying a mooring without a valid permit may be removed by the Harbor Master following a hearing conducted by the Harbor Board. Notice and procedures for any such hearing shall be as set forth in Section III of this Ordinance, except that the Harbor Master need only demonstrate by a preponderance of the evidence that the vessel does not possess a valid permit for the mooring in question. Should the Harbor Board affirm the Harbor Master's determination that a vessel does not possess a valid permit, the owner of the vessel shall have ten (10) days in which to remove such vessel, or it may be removed thereafter by the Harbor Master at the owner's expense. Mooring permit holders may, upon receipt of written approval of the Harbor Master, permit guest usage of their mooring space for not more than 14 days per season.
5. The Harbor Master shall, whenever practicable, assign mooring space where owners of a shorefront parcel of land as defined in 38 MRSA Section 11, with one hundred feet or more of shore rights are applicants, and shall locate one suitable mooring space fronting their lands for them, but not encroaching upon the natural channel or channels established by law, and not interfering with the mooring, passage, and navigation of other vessels. The Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of mooring space of an assignee. However, where berth privileges of other assignees are claimed to be invaded or where protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to assignees the locations which they may occupy for the assigned berth. Outhauls shall conform to the same provisions as a shorefront mooring.
- F. Winter Moorings: All vessels assigned a permanent mooring space and left over the winter must be moored on a float or a bow and stern mooring. Vessels not assigned a permanent mooring space in the Harbors of the Town may receive a permit to use the moorings of assignees, with the written permission of the assignee and the Harbor Master upon presentation of proof of payment of Harbor Usage Fee during the period of November 15 to April 30. Failure to remove a vessel with a winter permit by April 30 will be considered a refusal of an order of the Harbor Master.
- G. Temporary (One Season) Mooring List: Mooring holders (except for holders of shorefront property owners' moorings granted in accordance with this ordinance) who know that they will not be occupying their mooring for a season are urged to place their mooring on the Temporary Mooring List so that it can be used. The Application for Harbor Permit Renewal has provisions to list moorings on the Temporary List. A Mooring Holder who is not using their mooring and pays their Harbor Usage Fees annually may retain rights to a mooring for up to 3 years while listing it on the Temporary

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Mooring List even if no one from the List uses it. Mooring riggings will be inspected and maintained by the temporary assignees during their occupancy. Applicants already on the Mooring Waiting List and wishing to be included on the Temporary Mooring List shall be listed in the same chronological order as described in Paragraph D. of this section.

- H. Final Notification Procedure: Mooring permit holders failing to reapply for their permit by the last business day in April shall be notified by the Harbor Master by a single final notice by Certified Mail with a return receipt requested that they shall reapply for a mooring permit within fifteen days of the date of the final notice or risk forfeiture of their mooring space. Assignees so notified will be assessed an additional Administrative Late Fee.
1. Upon termination of the assignment of any mooring space to an assignee, the associated hardware must be removed unless a new assignee has assumed the responsibility for the hardware from the former assignee. Any cost for removal of hardware is the responsibility of the terminating assignee. When the mooring space is on a moored float, the new assignee has the responsibility to negotiate a purchase price for ~~his~~ *their* share of the float with the previous assignee.
- I. Mooring Space Abandonment: Failure by mooring permit holders to comply with the Annual Renewal Procedure for any reason, including but not limited to non-deliverability for the final notice, will constitute an abandonment of the assignment. Accordingly, the Harbor Master may reassign the mooring space in a manner as provided for herein, except, however that this reassignment provision shall not apply to a mooring space mandated by State Statute.
1. Abandoned Mooring Space Removal Costs: Mooring space assignees abandoning their assignments are liable for all costs for the removal, if necessary, or any associated hardware.
- J. Unused Mooring Space Assignments: Mooring space assignments unused for one calendar year shall be reviewed by the Harbor Board and may be revoked and reassigned by the Harbor Master. A vessel owned by the Permit Holder and assigned to the mooring space by the Harbor Master, except for holders of shorefront property owners' moorings granted in accordance with this ordinance, must be on the mooring for at least fourteen (14) days during the season and the Permit Holder shall be responsible for ensuring that the Harbor Master is aware that the vessel is on the mooring during the fourteen days. Failure to use the mooring as specified in this subsection except under the provisions of the Temporary One Season Mooring List for at least fourteen (14) days shall constitute non-use of the mooring.
- K. Mooring Specifications: Moorings shall be maintained in a safe condition by the owner.

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Any Mooring existing, or hereinafter to be set shall be of sufficient size to hold the vessel for which it is used and shall conform to or exceed the Mooring and Float Rig Specifications sheet available at the office of the Harbor Board.

1. All moorings shall have the mooring number assigned by the Harbor Master permanently affixed on the mooring buoy. Said mooring number shall be at least three inches high and shall be clearly visible at all times. The Harbor Master may, after due notice of deficiency to a mooring permit holder, place the mooring number on a buoy and charge the holder for the cost of so doing, plus an Administrative Fee.
2. The Harbor Master or other agent of the town may at any time examine any mooring to determine compliance with this ordinance. Except in cases of emergency, the Harbor Master shall notify the owner of intention to examine the mooring and request the presence of the owner during such examination. After examination, the Harbor Master shall provide a written report of the mooring's condition to the owner, along with a statement of corrective action required if any. Moorings determined by the Harbor Master to be inadequate shall be corrected by the assignee within two weeks or be removed. Any cost of examination or removal resulting there from shall be borne by the assignee of the mooring. By assigning a mooring space, the Town is not accepting responsibility for the condition of the mooring hardware.

**Amendment:** Amend Section 13- Appeal Process by changing any reference regarding "his" to "their."

### **SECTION 13: APPEAL PROCESS**

- A. **Right of Appeal** The Harbor Board shall hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbor Master as it relates to the implementation of this Ordinance.
- B. **Power and Duties** Appeals shall go forward from the decision of the Harbor Master to the Harbor Board, from the Harbor Board to the Superior Court in accordance with Maine Law. The Harbor Board shall have the following powers and duties: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made, or not made, by the Harbor Master in the enforcement of this Ordinance. The Board may affirm, modify or deny the action of the Harbor Master, or may remand the matter to the Harbor Master for further proceedings in accordance with the terms of these Rules and Regulations, by majority vote of those present and voting. In case of a clear conflict of interest a voting member shall withdraw from the case and the Chairman shall designate an alternate member to be a voting member for the hearing.
- C. **Appeal Procedure** In all cases, a person aggrieved by a decision of the Harbor Master

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shall file ~~his~~*their* appeal within thirty (30) days after receipt of a written decision from the Harbor Master. The appeal shall be filed with the Harbor Board on forms to be approved by the Harbor Board, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. Following the filing of an appeal, the Harbor Board shall notify forthwith the Harbor Master and the Town Manager. The appeal shall then be in order for a public hearing within thirty (30) days of the filing date.

- D. The Harbor Board shall hold a public hearing prior to making a decision on an appeal, notice of which shall be made by the Harbor Board, by certified mail to the appellant. Notification shall include the nature of the appeal, and the time and place of the public hearing. Notice of all appeals shall also be published in a newspaper of general circulation and posted in at least three (3) public places within the Town. All notifications must precede the public hearing by at least seven (7) business days.
- E. The Harbor Master, or ~~his~~*their* designated deputy, shall attend all hearings, and shall present to the Harbor Board all plans, photographs or other material deemed appropriate for an understanding of the appeal. The appellant's case shall be heard first. The aggrieved party may appear by agent or attorney. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman. Hearings may be continued to other times.
- F. Written notices of the decision of the Harbor Board shall be sent to the appellant, the Harbor Master, the Town Manager and the Municipal Officers within thirty (30) days of the date of the hearing of the appeal, and within seven (7) business days of the decision. Decisions shall be in writing, and shall contain a statement of findings and conclusions, as well as the reasons or basis therefore. Decisions shall be sent to the appellant via Certified Mail.
- G. Appeals granted under the provision of this Section by the Harbor Board shall expire if the work or change involved is not affected within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.
- H. If the Harbor Board shall deny an appeal, another appeal of a similar nature shall not be brought before the Board within one year from the date of the denial, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.
- I. The appellant shall pay a fee to the Town of York to cover the costs of notification and advertisements concerning an appeal.

**Amendment #**  
*Property Tax Relief Ordinance*

**Ballot Language:** The following language would appear on the ballot:

Article X

The Town hereby ordains to amend the Property Tax Relief Ordinance.

Statement of Fact: The purpose of these amendments is to modify eligible benefits for homeowners and renters that are York residents who qualify for a tax credit under the State Program.

**Recommendations:**

Recommended by the Board of Selectmen:

**Property Tax Relief Ordinance**

**1. Purpose**

The purpose of this Ordinance is to provide relief to York residents who earn low to modest incomes and are taxpayers or renters of the Town of York.

**2. Definitions**

Homestead. "Homestead" shall have the same meaning as in 36 M.R.S.A. § 5219-KK (1) (C), as may be amended from time to time.

**3. Program Description**

Under this program, the Town of York will provide a supplemental benefit to individuals who qualify as York residents and beneficiaries of the Maine Property Tax Fairness Credit Program established by Chapter 822, section 5219-KK of Title 36, M.R.S.A. (the "State Program"). Eligible persons who received a tax credit under the State Program may present proof of such tax credit and eligibility to the Town of York's General Assistance Coordinator or designee (the "Town") and shall automatically qualify for a supplemental benefit from the Town of York. The amount of the supplemental benefit shall be a percentage of the State Program tax credit, as prescribed herein.

**4. Eligible Persons**

In order to be eligible for a supplemental benefit from the Town of York under this Ordinance, an applicant must demonstrate all of the following:

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- a. The applicant has a homestead in the Town of York at the time of application.
- b. The applicant pays property taxes on a homestead to the Town of York or pays rent for the rental of a homestead.
- c. The applicant has received a tax credit under the State Program for the prior year's income tax.

However, an owner of multiple residences in the Town of York shall not be eligible for a benefit.

### **5. Eligible Amounts**

York residents who qualify for a tax credit under the State Program shall be eligible for a benefit of up to 50% of the tax credit calculated under the State Program; provided, the benefit to be received by any applicant shall not exceed the sum of \$450.00 per household per year. *to receive benefits in accordance with the following:*

#### *A. Homeowners:*

1. *When one or more of the owners is aged 65 or older and the assessed value of the property does not exceed \$500,000, eligible to receive 50% of the total annual property tax bill.*
2. *When all owners are aged 64 or younger and the assessed value of the property does not exceed \$500,000, eligible to receive \$750.*

*B. Renters – eligible for 50% of the tax credit calculated under the State program, not to exceed \$450 per household annually.*

### **6. Application and Benefit Payment**

York residents may fill out a Town application between February 1 and June 15 relative to the prior year's income tax for a benefit as prescribed in this ordinance. Each form must be accompanied by satisfactory evidence of eligibility and tax credit payment by the State of Maine under the State Program for the prior year's income tax, including a statement regarding the amount of the State Program tax credit. The Town shall review and determine if the application is complete and accurate and if the applicant is eligible for a benefit.

If the Town determines that the applicant is eligible for a benefit, the Town shall then determine the total benefit amount based on the formula set forth in Section 5 of this ordinance, and the Town shall pay this amount within thirty (30) days upon approval of the application if sufficient funds remain in the budgetary account.

**7. Benefit Limits**

Approved benefits shall be distributed by the Town on a first-come first-served basis until the budgetary account is exhausted. Approved benefits that remain unpaid after exhaustion of the budgetary account will not carry over to the next year.

**8. Failure to Appropriate Funds**

Failure of the voters of York to appropriate funds to pay for this program shall constitute a suspension of the program for that year.

**9. Effective Date**

This Ordinance shall apply to benefit applications filed with the Town on or after February 1, 2017, for a benefit relative to the 2016 income tax year and subsequent income tax years.

(Adopted May 21, 2016 to replace the Property  
Tax Fairness Credit Relief for Low Income  
Circuit Breaker Program Ordinance)