

2015

Waterville Maine Selected Ordinances

Waterville (Me.). City Officials

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>



Part of the [Public Affairs, Public Policy and Public Administration Commons](#)

Repository Citation

Waterville (Me.). City Officials, "Waterville Maine Selected Ordinances" (2015). *Maine Town Documents*. 7118.
<https://digitalcommons.library.umaine.edu/towndocs/7118>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.



ADMINISTRATIVE ORDINANCE

As amended March 18, 2014
(Effective: April 1, 2014)

Art. I. General Provisions

- Sec. 1-1. Rules of construction and definitions
- Sec. 1-2. Design of seal
- Sec. 1-3. Wards described
- Sec. 1-4. Fiscal year

Art. II. City Council

- Sec. 2-1. Time for regular meetings
- Sec. 2-2. Calling special meeting
- Sec. 2-3. Form of notice of special meeting
- Sec. 2-4. Deadline for submitting new matter
- Sec. 2-5. Quorum; compelling attendance
- Sec. 2-6. Rules of order adopted
- Sec. 2-7. Effect of repeal of ordinances
- Sec. 2-8. Severability of parts of Ordinances
- Sec. 2-9. General penalty for violation of Ordinances; continuing violations
- Sec. 2-10. Recovery of fines, forfeitures, penalties
- Sec. 2-11. Record of ordinances to be kept

Art. III. Disposition of City Owned Property

- Sec. 3-1. Sale of city-owned property; authority
- Sec. 3-2. Property list to be maintained
- Sec. 3-3. Initiation of sale
- Sec. 3-4. Procedure for sale--Written report
- Sec. 3-5. Procedure for sale--Initial determination; conditions, appraisal, method of sale
- Sec. 3-6. Procedure for Sale – Tax-acquired property
- Sec. 3-7. Municipal officers' rights preserved concerning property sale
- Sec. 3-8. Lease and sale of city property generally

Art. IV. Personnel

Art. V. Service Charges

- Sec. 5-1. Authority
- Sec. 5-2. Service Charge Established
- Sec. 5-3. Services Subject to Service Charge
- Sec. 5-4. Calculation of Service Charge
- Sec. 5-5. Notification
- Sec. 5-6. Service Charge Limitation

Sec. 5-7. Unpaid Service Charges

Sec. 5-8. Use of Revenue

Sec. 5-9. Appeals

Sec. 5-10. Effective Date

Art. VI. Boards and Commissions

Sec. 6-1. Appointments Generally

Sec. 6-2. Board of Assessment Review

ARTICLE I. GENERAL PROVISIONS

Sec. 1-1. Rules of construction and definitions.

In the construction of all ordinances enacted in the City of Waterville, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. All general provisions, terms, phrases and expressions contained in any City ordinance shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out.

City shall mean the City of Waterville, Maine.

City council, council. Whenever the words "council" or "city council" are used, they shall be construed to mean the city council of the City of Waterville.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, (and the day on which such proceeding is to be held shall not be counted.)

Corporate or city limits. The term "corporate limits" or "city limits" shall mean the legal boundaries of the City of Waterville, Maine.

County. The words "the county" or "this county" shall mean the County of Kennebec in the State of Maine.

Delegation of authority. Whenever a provision appears requiring the director of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the director of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Inhabitant shall mean a person having an established residence.

Joint authority. All words giving a joint authority to three (3) or more persons as officers shall be construed as giving such authority to a majority of such persons or officers.

Mayor shall mean the mayor of the city.

Month. The word "month" shall mean a calendar month.

Municipal officers. The words "municipal officers" shall mean the mayor and the councilors.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officials, boards, commissions. Whenever reference is made to officials, boards or commissions by title only, i. e. "city council", "city clerk", "the mayor", "city administrator", they shall be deemed to refer to the officials, boards, and commissions of the City of Waterville.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property, as herein described.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements, and hereditaments.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Maine.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Sec. 1-2. Design of seal.

The seal of City of Waterville shall be a circular disc with the words "Waterville, Incorporated 1802, Became a City 1888", on the periphery, and a picture of a steam train crossing the Kennebec River at the Ticonic Falls in the center. The city clerk shall be the custodian of the seal of the city.

State law references: Authority to adopt a seal, 30 M.R.S.A. § 1902.

Charter references: Clerk to be custodian of city seal, Art. V, § 3.

Sec. 1-3. Wards described.

Pursuant to Article X, §§ 1, 2, of the City Charter, the city shall be divided into seven (7) wards along the boundary lines hereinafter set forth:

Ward 1. Beginning at a point on the Kennebec River where the center line of High Street, if extended easterly in a line would intersect said river; thence running westerly along said extended line and the present center line of High Street to the intersection of Main Street; thence southerly along the center line of Main Street to the intersection of Eustis Parkway; thence westerly along the center line of Eustis Parkway to the intersection of North Street; thence northerly along the center line of North Street to the center of the Cedar Bridge; thence northerly along the center of the Messalonskee Stream to the Fairfield town line; thence easterly along the Fairfield town line to a point in the center of Kennebec River; thence southerly along the center line of the Kennebec River to the point of beginning.

Ward 2. Beginning at the southeasterly corner of Ward 1 at the Kennebec River, as hereinbefore described, and running the courses and distances mentioned the boundaries of Ward 1 as hereinbefore described, to the center line of Cedar Bridge; thence northwesterly along the center line of Mayflower Hill Drive to the center line of the Guilford Railroad tracks; thence in a general southerly and easterly direction along the centerline of the Guilford Railroad tracks to the intersection of North and West Streets; thence proceeding in an easterly direction along the centerline of North Street to where it intersects with Main Street; thence northerly along the centerline of Main Street to the intersection of Getchell Street, thence easterly along and in an extension of the centerline of Getchell Street to the center of the Kennebec River; thence proceeding in a northerly direction along the center line of the Kennebec River to the point of beginning.

Ward 3. Beginning at a point where the Guilford Railroad tracks intersect North Street; thence proceeding southerly along the center line of West Street to the intersection of Morrill Avenue; thence proceeding westerly along the center line of Morrill Avenue to the intersection of Burleigh Street; thence proceeding southerly along the center line of Burleigh Street to the intersection of Gilman Street; thence proceeding westerly along the center line of Mayflower Hill Drive/Gilman Street to Mount Merici Avenue; thence proceeding southerly along the center line of Mount Merici Avenue to the intersection of Western Avenue; thence proceeding in a easterly direction along the centerline of Western Avenue to the northerly entrance to Mr. Merici School; thence southerly along the school entrance road until it intersects with Chase Avenue; thence proceeding westerly along the center line of Chase Avenue/Lincoln Street to the intersection of Washington Street, thence proceeding northerly along the center line of Washington Street until it intersects with the Oakland town line; thence northerly along the Oakland town line to the northwestern boundary of Ward 1; thence southeasterly along the southerly boundary of Ward 1 to the Cedar Bridge; thence westerly along the north boundary of Ward 2 to the center line of the Guilford Railroad tracks; thence easterly along the southerly boundary of Ward 2 to the point of beginning.

Ward 4. Beginning at a point where the center line of Burleigh Street intersects Gilman Street; thence southerly along the center line of Burleigh Street to the center line of Winter Street; thence westerly to the midline of Messalonskee Stream; thence in a southerly, easterly and southerly direction along the mid line of Messalonskee Stream to the center line of Kennedy Memorial Drive; thence westerly along the center line of Kennedy Memorial Drive to Cool Street; thence proceeding in a northerly direction along the center line of Cool to the intersection of Barnet Avenue; thence proceeding westerly along the center line of Barnet Avenue to the intersection of First Rangeway; thence proceeding southerly along the center line of First Rangeway to Kennedy Memorial Drive; thence proceeding westerly along the center line of Kennedy Memorial Drive to the Oakland town line; thence proceeding northerly on the Oakland town line to the southerly boundary of Ward 3; thence along the southerly boundary of Ward 3 to the point of beginning.

Ward 5. Beginning at the southeasterly corner of Ward 4 at the intersection of Kennedy Memorial Drive and West River Road; thence proceeding southerly along the center line of West River Road to a point where Trafton Road intersects the West River Road; thence

westerly along the center line of the Trafton Road to the Oakland town line; thence northerly along the Oakland town line to the center line of Kennedy Memorial Drive; thence along the southerly boundary of Ward 4 to the point of beginning.

Ward 6. Beginning at a point in the Kennebec River which marks the southeasterly boundary of Ward 2; thence proceeding in a westerly direction along the southerly boundary of Ward 2 to the intersection of North Street and West Street; thence proceeding southerly along the center line of West Street to where it intersects with Morrill Avenue; thence westerly along the centerline of Morrill Avenue to the intersection of Burleigh Street; thence southerly along the center line of Burleigh Street to the intersection of Winter Street; thence westerly to the midline of Messalonskee Stream; thence proceeding southerly, easterly and southerly again along the mid line of Messalonskee Stream to a point marking a westerly extension of Silver Terrace; thence proceeding easterly along the center line of Silver Terrace to Silver Street; thence proceeding northerly along the center line of Silver Street to Sherwin Street; thence proceeding easterly along the center line of Sherwin Street to the intersection of Autumn Street; thence southerly along the center line of Autumn Street to the center line of Redington Street; thence easterly and northerly along the center line of Redington Street to the intersection of Water Street; thence proceeding easterly in an extension of the center line of Redington Street to the mid line of the Kennebec River; thence proceeding northerly along the mid line of the Kennebec River to the point of beginning.

Ward 7. Beginning at a point in the midline of the Kennebec River marking the southeasterly boundary of Ward 6; thence proceeding westerly, southerly, westerly and northerly along the southerly line of Ward 6 to the center line of Messalonskee Stream; thence proceeding southerly along the easterly boundary of Ward 4 to the center line of Kennedy Memorial Drive; thence proceeding southerly along the easterly boundary of Ward 5 to where Trafton Road intersects the West River Road; thence proceeding westerly along the center line of the Trafton Road to the Oakland town line; thence southerly along the Oakland town line to the Sidney town line; thence easterly along the Sidney town line to the midline of the Kennebec River; thence proceeding northerly along the midline of the Kennebec River to the point of beginning.

Charter references: Wards generally, Art. X, §§ 1, 2.

Sec.1-4. Fiscal year.

The fiscal year of the city shall commence on the first day of July and end on the last day of June of the following year.

ARTICLE II. CITY COUNCIL *

Sec. 2-1. Time for regular meetings.

(a) Regular meetings of the council shall be held on the first and third Tuesday of each month at 7:00 p.m.

(b) If a regular meeting of the city council occurs on a legal holiday, the same date as a presidential, general or special state election, said meeting shall be held at the same hour on the succeeding Wednesday.

(c) A regular council meeting may be rescheduled to a time and date certain upon a written request by both the Chair of the Council and the City Manager directed to the City Clerk a minimum of seven (7) days prior to the date of the next regularly scheduled meeting.

Charter references: Charter reference--Authority to set time of regular meetings, Art. IV, § 5.

Sec. 2-2. Calling special meeting.

The mayor, or, in his absence, the chairman of the council, may call special meetings of the city council, when in his opinion the interest of the city requires it, by causing a notice to be inserted in one or more of the newspapers published in the city, or by causing a summons or notification to be given in hand or left at the usual place of abode of each member of the council to be convened. Such publication shall be made or summons or notification served four (4) days at least before the day appointed for holding the meeting. This time period shall be inclusive of Saturdays, Sundays and holidays but exclusive of the day of the meeting.

Charter references: Authority to call special meetings, Art. II, § 5 (I).

Sec. 2-3. Form of notice of special meeting.

The form of summons or notification for calling special meetings of the council as provided in Article IV of the charter and section 2-2 of this chapter shall be in substance as follows:

NOTICE

To _____

You are hereby notified to appear and be present at a special meeting of the city council, municipal officers, of the City of Waterville, to be held at _____ in said Waterville on _____ the _____ day of _____ A. D. 20_____, at _____ o'clock in the _____ noon, for the purpose of _____.

Mayor of the City of Waterville

Sec. 2-4. Deadline for submitting new matter.

Cloture shall take place at 2:00 p.m. on the fifth day next preceding any regular meeting of the council. At such time, all business to be conducted at the next regular meeting as provided for in section 2-20, including the roll of accounts, shall be made available to each councilor between the hours of 12:00 and 4:00 p.m. on the Monday and Tuesday preceding the scheduled council meeting. Any councilor may, prior to cloture, submit to the Mayor's office for inclusion on the agenda for the next regular or special council meeting any proposed ordinance, order, resolution, or item for discussion. Any matter so submitted must be placed on the agenda for the upcoming council meeting.

Charter references: Art. II, § 5 (C)

Sec. 2-5. Quorum; compelling attendance.

At any meeting of the council, five (5) members shall constitute a quorum. Upon written petition addressed to the mayor, a copy of which shall be filed with the city clerk, a minority of the council may compel the attendance of absent members. Such petition shall allege the business to be transacted at the meeting desired, the ability of absent members to attend such a meeting and the failure of such members to attend at least the two (2) prior consecutive meetings, legally called in accordance with the city charter. Upon receipt of the petition, the mayor shall provide a copy to the city solicitor who shall investigate the allegations contained. Upon the advice of the city solicitor that the business to be transacted is proper, that sufficient absent members to make up the quorum are able to attend and that the absent members have failed to attend the two (2) consecutive prior meetings, the mayor shall call the meeting. He shall order the attendance of all available members of the council by written instruction, mailed to each

member, certified mail, return receipt requested. Any councilor failing to attend such a meeting shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilor.

Charter references: Quorum for warrant, Art. IV, § 6.

Sec. 2-6. Rules of order adopted.

Rules of procedure of meetings of the city council shall be current Robert's Rules of Order.

Sec. 2-7. Effect of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 2-8. Severability of parts of Ordinances.

The sections, paragraphs, sentences, clauses and phrases of this and all other ordinances are severable, and if any phrase, clause, sentence, paragraph or section of this ordinances shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinances.

Sec. 2-9. General penalty for violation of Ordinances; continuing violations.

Whenever any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor in any City ordinance, where no specific penalty is provided therefore, the violation of any such provision of this ordinance or any ordinance shall be punished by a minimum fine of one hundred dollars (\$100.00), (which may not be suspended) and a maximum fine of five hundred dollars (\$500.00). The minimum fine for a second violation of the same provision of any ordinance is two hundred dollars (\$200.00), which cannot be suspended. The minimum fine for a third or subsequent violation of the same provision of any ordinance is four hundred dollars (\$400.00), which cannot be suspended. Each day any violation of any provision of any ordinance shall continue shall constitute a separate offense. If the city is the prevailing party in a prosecution for violating a provision of any ordinance, the city shall be awarded its reasonable attorney's fees.

Sec. 2-10. Recovery of fines, forfeitures, penalties.

All fines, forfeitures and penalties for the violation of any act, ordinance, law or regulation of the city, shall, unless otherwise directed in any particular ordinance, be recoverable by civil action, in the name of the city, or by complaint and warrant before the Northern Kennebec District Court, and, when recovered, shall inure to the use of the city and be paid into the city treasury, except in cases where it may be otherwise specially provided.

The city manager is authorized to enter into administrative consent agreements for the purpose of eliminating violations of any act, ordinance, law or regulation of the city and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless the illegal structure or use was constructed or conducted as a direct result of erroneous

advice given by an authorized municipal official, or there is no evidence that the owner acted in bad faith and the violation is only a de minimis one.

2-11. Record of ordinances to be kept.

All ordinances, after their final passage and approval according to law, shall be recorded by the city clerk, in a book kept for that purpose, with proper margins and index, and strongly bound, to be lettered "Record of Ordinances of the City of Waterville", which book shall be preserved in the office of the city clerk, subject to the inspection of all interested persons. The city clerk shall make, or cause to be made, an alphabetical index to such ordinances, such index to show, by topical words or otherwise, the subject of the ordinances.

Charter references: Record of ordinances, Art. IV § 10.

ARTICLE III. DISPOSITION OF CITY-OWNED PROPERTY*

Sec 3-1. Sale of city-owned property; authority.

The city council, acting as the municipal officers of the city, shall have the sole authority to sell property owned by the city. The procedures that are provided for in this article are to be adhered to and may be varied only by the process of amendment. Provisions of such sections are to be strictly construed.

Sec. 3-2. Property list to be maintained.

The city, through its assessor's office shall maintain a list of all city-owned property by various classifications.

Sec. 3-3. Initiation of sale.

The sale of city-owned property may be initiated by action of the administration or an individual seeking to purchase the property. If the proposed sale is initiated by the administration, it shall be incumbent upon the administration to discuss the matter with the municipal officers prior to any negotiations or understandings with a potential purchaser. Notwithstanding how the proposed sale was initiated, the procedures set forth in this article shall be followed.

Sec. 3-4. Procedure for sale--Written report.

A representative of the administration shall provide the following information in writing:

- (a) Identification of proposed purchaser and whether the proposed purchaser was the initiating party. If a broker was the initiating party, the broker must reveal the principal. The city will not be responsible for brokerage unless there is a specific agreement approved by the city council. If a purchase price is offered, the offer must be set forth in all of its details.
- (b) The manner in which the property was acquired by the city.
- (c) If there is a proposed use for the property that would require a zoning change this fact must be set forth. If there are any restrictions on the use of the property, such as, but not so limited to, restrictive covenants, public trust, grant restrictions, and state or federal environmental laws, such restrictions must be set forth.

Sec. 3-5. Procedure for sale--Initial determination; conditions, appraisal, method of sale.

The municipal officers after having received a report in writing on those matters contained in section 3-4 shall make an initial determination whether the sale of the property in question should be pursued. The municipal officers have the authority to place any restrictions or conditions on the sale of the property, including, but not so limited to, conditions that would require commencement of building within a certain period of time; completion of building within a specific time; financial ability to perform, aesthetic and screening provisions more stringent than existing zoning provisions; automatic reversion upon failure of certain conditions.

The municipal officers may request through the administration that the property be appraised, and if the municipal officers so request, there may be more than one (1) appraisal submitted.

The municipal officers must determine whether to restrict consideration of the proposed sale of certain property to the initiator or whether the property should be advertised for sale at a specific price or to the highest bidder. Any time a property is advertised for sale or bid, the municipal officers shall have the unrestricted right to reject any bid. Similar acceptable bids may be resolved by lot.

No city official, or employee, shall acquire from the city any interest in real estate held by the city, or in personal property valued in excess of five hundred dollars (\$500.00), unless such sale occurs by sealed bid after duly advertising the same in a newspaper printed within the city. Any city official who submits a sealed bid shall not take part in the bid acceptance process except a city official may at any time purchase real estate acquired by the city for nonpayment of taxes if said property was owned by the city official's son, daughter, spouse or parent immediately prior to its acquisition by the city and if such purchase is authorized by the city council.

For purposes of this section, city official shall include the mayor and members of the city council, administrator, city solicitor, city clerk, city auditor and the directors of departments.

Sec. 3-6. Procedure for Sale – Tax Acquired Property.

The following procedures shall be followed for all properties acquired through the automatic foreclosure provisions of the property tax law.

(a) The property shall first be offered to the previous owner by sending a letter outlining the provisions of this article within 30 days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the procedure for the disposition of tax acquired properties.

(b) If all past due taxes, interest and collectable costs are paid by the deadline, the city will issue a quit claim deed to the owner of record. The issuance of a quit claim deed may be conditioned upon necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.

(c) If all past due taxes, interest and collectable costs are not paid within 30 days from the date of the notice provided for above, the property may be sold as provided for other City properties.

(d) No payment plans will be accepted. All past due taxes, interest and collectable costs must be paid in full. Late payments will not be accepted.

(e) For vacant lots, the property shall be offered to abutters at a fair market value. If more than one (1) abutter expresses an interest and is willing to pay the fair market value as determined by the Council, the issue will be resolved by lot. If the abutters fail to negotiate a purchase, the property may be sold in the same manner as other City owned property.

Sec. 3-7. Municipal officers' rights preserved concerning property sale.

Nothing contained in sections 3-1 through 3-6 is in derogation of the rights of the municipal officers to consider these matters in accordance with the provision of Title 1 MRSA, Section 405(6)(c), as amended from time to time.

Sec. 3-8. Lease and sale of city property generally.

The lease of city property for ten (10) years or more (including renewals) and the sale of city real property shall be by council order.

ARTICLE IV. PERSONNEL

Sec. 4-1. Policy manual adopted.

The City Council hereby adopts the January 1998 Personnel Policy Manual as revised or amended from time to time by vote of the City Council and such personnel policy manual is hereby incorporated by reference as if published in its entirety herein. Copies of such Personnel Policy Manual shall be kept for review in the office of the City Clerk.

Charter references: Art. IV, § 7E.

ARTICLE V. SERVICE CHARGES

Sec. 5-1. Authority.

This ordinance is enacted in accordance with 36 M.R.S.A. Section 652(1)(L), as amended.

Sec. 5-2. Service Charge Established.

An annual service charge shall be levied by the municipal officers on all residential property owned by an organization or institution if the property is otherwise exempt from property taxation and used to provide rental income. This service charge shall not apply to student housing or parsonages.

Sec. 5-3. Services Subject to Service Charge.

The service charge established in Section 52-2 shall be calculated according to the actual cost of providing municipal services to the property in question, and the persons who use the property. Services included in making this calculation shall include fire and police protection, road maintenance and construction, traffic control, snow and ice removal, and sanitation services if sanitation services are actually provided to the property.

Sec. 5-4. Calculation of Service Charge.

The service charged levied on an institution or organization will be the residential unit cost multiplied by the number of residential units of the institution or organization. The service charge levied will be for the City's fiscal year and payments will be due at the same time as tax payments.

The residential unit cost will be calculated as follows:

(a) The percentage of square footage of residential buildings to the total square footage of all buildings in the City on April 1st will be determined.

(b) This percentage will be multiplied by the budgeted cost of municipal services subject to the service charge for the fiscal year following the April 1st determination.

(c) The residential unit cost will be the figure in (b) above divided by the total number of residential units in the City on April 1st.

Sec. 5-5. Notification.

For the first fiscal year in which property of an institution or organization may be subject to a service charge, the Assessor will provide notice to the institution or organization by April 15. This notice shall include the limitations contained in Section 5-6. Thereafter, the property will be subject to a service charge without further notification from the Assessor.

Notification of the amount of the service charge will be sent to the institution or organization at the same time that tax bills are sent to taxpayers.

Sec. 5-6. Service Charge Limitation.

The total service charge levied by the City against any organization or institution shall not exceed Two Percent (2%) of the gross annual revenues of that organization or institution. To qualify for this limitation, the organization or institution shall file with the Assessor by June 1st an audit by a certified public accountant of the gross annual revenues of the organization or institution for the year immediately prior to the fiscal year in which the service charge is levied. The City shall abate the service charge amount that is in excess of Two Percent (2%) of the gross annual revenues.

Sec. 5-7. Unpaid Service Charges.

Unpaid service charges shall be collected following a procedure provided in 38 M.R.S.A. Section 1208, as amended.

Sec. 5-8. Use of Revenue.

Revenues accrued from service charges shall be used, as much as possible, to fund the operating cost of providing the services which were considered in calculating the service charge.

Sec. 5-9. Appeals.

Appeal to the Board of Assessment Review may be made of the determination that the property is subject to a service charge, and the amount of the service charge to be levied. The appeal must be filed with the Assessor on a form to be provided by the Assessor. If the appeal is based on a claim that the property is not subject to a service charge, the appeal must be filed no later than the June 1st preceding the fiscal year for which the service charge would be levied. If the appeal is based on the amount of the service charge, it must be filed with the Assessor within thirty (30) days from the date the City mailed the notice showing the amount of the service charge due.

Sec. 5-10. Effective Date.

The Service Charge Ordinance became effective on January 1, 2005.

VI. BOARDS AND COMMISSIONS**Sec. 6-1. Appointments Generally****Sec. 6-1a. Scope.**

Notwithstanding any of the provisions in existing ordinances found in the City of Waterville, the following requirements as to residency and the creation of a vacancy for mayoral appointments to boards and commissions, and the process by which said vacancies are filled shall be determined and governed by this division.

Sec. 6-1b. Residency requirement.

In accordance with the authority granted in Article II, Section 5 (G) of the Charter of the City of Waterville, the mayor shall have the power to appoint members to boards or commissions as those boards or commissions are provided for by the city council by ordinance. All mayoral appointees to boards or commissions must be residents of the City of Waterville, unless otherwise specified.

Sec. 6-1c. Vacancy; procedure for filling.

(a) A mayoral appointment to a board or commission shall be deemed vacant if:

- i. the member's term expires
- ii. the appointee fails to qualify for the appointment by taking the required oath, when requested,
- iii. by reason of death
- iv. resignation
- v. removal and establishment of a primary residence outside of the geographic boundaries of the city
- vi. absence of a member from more than one-half of the regular board or commission meetings in a six-month period
- vii. conviction of a class A, B, or C crime, a crime of any class involving moral turpitude
- viii. violation of any of the duties of office shall render the appointee's office vacant.

(b) If one (1) or more of the criteria set forth hereinabove to create a vacancy are met, the chair of the board or commission shall inform the city clerk of the condition that created the vacancy, and the city clerk is to notify the mayor of such a vacancy. The member of the board or commission who is reported to have vacated the office is to be advised of this fact by the city clerk at the time of the transmittal to the mayor. If the appointee questions the accuracy of the facts that gave rise to the alleged vacancy, the appeal is directly to the mayor who shall be empowered to investigate further.

- (c) Residents who are interested in being appointed must submit a completed application to the Office of the Mayor.
- (d) The Mayor must review all applications that have been submitted from residents interested in serving on any board, commission or committee and conduct interviews with each applicant, if necessary.
- (e) The Mayor's recommendations must be approved by a majority of the City Council.
- (f) Appointed residents must take a sworn oath from the City Clerk before participating in any official business of the board, committee or commission to which appointed.

Sec. 6-1d. Appointment Terms

- (a) All terms shall expire at the end of December in the year that the appointment term ends; however, members whose terms are expiring continue to serve until either they or their successor is appointed and qualified.
- (b) All board, committee and commission members shall be appointed to term lengths of up to 5 years to establish and maintain staggered terms.
- (c) Residents can be appointed to no more than two boards, committees or commissions simultaneously.
- (d) Serving on a board, committee or commission does not guarantee reappointment when a serving member's term expires. Residents interested in being reappointed must submit a timely application and complete the interview process, if required.

Sec.6-2. Board of Assessment Review

Sec. 6-2a. Jurisdiction. The board of assessment review shall have jurisdiction to hear and decide appeals of taxpayers from the decision of either the assessor or from the decision of the municipal officers in those cases where the municipal officers may act, on applications for an abatement of an assessment filed in accordance with Title 36 M.R.S.A. Section 841, as that section may be amended from time to time. A taxpayer may apply in writing to the board of assessment review within sixty (60) days after notice in writing within ten (10) days of the decision from which the appeal is being taken or after the application for abatement is deemed to have been denied in accordance with Title 36 M.R.S.A. Section 842. A poverty abatement shall not be deemed denied. If the board of assessment review determines that the taxpayer is overassessed, the board shall have authority to grant such reasonable abatement as it thinks proper; otherwise, the board will confirm the decision of the assessor or the municipal officers.

The Board of Assessment Review shall also have jurisdiction to hear Service Charge Appeals, pursuant to Section 5-9.

Sec. 6-2b. Appointment. The board of assessment review shall consist of three (3) permanent members and two (2) associate members. The members of the board of assessment review as constituted just prior to the effective date of this section shall be authorized to complete the unexpired balance of their respective terms, and shall be considered permanent members. If reappointed, those members shall be reappointed for a period of three (3) years as permanent members. The initial two (2) associate members shall be appointed for a term of two (2) and three (3) years respectively, and if reappointed shall be reappointed for a period of three (3) years either as a permanent or associate member. All appointments to the board of assessment review shall be by the mayor with the approval of the city council. The composition of the board for the purpose of exercising jurisdiction shall consist of three (3) members of permanent or associate status. An associate member may attend all hearings conducted by the

board of assessment review, but shall have no vote. If a permanent member of the board is unable to vote due to inability to be present at a hearing or because of a conflict in interest, the chair, or the acting chair, shall designate one of the two (2) associate members to replace the absent or recused member with full power to vote.

Sec. 6-2d. Procedures. The procedures to be followed by the board of assessment review shall be those procedures set forth in Title 30-A M.R.S.A. Section 2691 (3) as amended from time to time.

APPROVED

Waterville City Council
Effective: July 22, 2006
(Ordinance 10-2006,
Ordinance 11-2006 &
Ordinance 12-2006)

*As Amended July 10, 2011
(Ordinance 04-2011)*

*As Amended March 20, 2012
(Ordinance 65-2012)*

*As Amended April 17, 2012
(Ordinance 97-2012)*

*As Amended June 18, 2013
(Ordinance 99-2013)*

*As Amended December 3, 2013
(Ordinance 192-2013)*

*As Amended March 18, 2014
(Ordinance 46-2014)*



ADULT BUSINESS ORDINANCE

Sec 1. Adult Business Definition

Adult business establishment: Any retail business whether conducted from a fixed or mobile location or vehicle including, but not limited to, any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, spa, massage parlor, or theater which:

- A. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or
- B. Permits any person on the premises including an employee, entertainer, or patron to expose that person's genitals, pubic hair, buttocks or perineum, or the areola of a female breast, to a patron or member of the general public.
- C. Exhibits or displays, more often than an average of one week during any calendar month of operation, any motion pictures or any other visual representation described or advertised as being "X-rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; or
- D. Has a substantial portion of its stock in trade that consists of products containing sexually explicit material.
- E. Is an establishment or place primarily in the business of providing (1) a steam bath or sauna, (2) other bathing or hot tub services, or (3) "rubdown" or other massage services by a person or persons not licensed or exempt from licensing under State law.

Sec 2. Adult Business Establishments

1. Findings and Purpose. The Council hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts or if allowed to concentrate in certain other districts within the City. Moreover, such establishments are incompatible with uses characterized by family and youth related activities. The purpose of this subsection is, therefore, to prevent such deleterious effects and, thus, protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishments.
2. Requirements:
 - A. Adult business establishments shall be at least one thousand (1,000) feet from any other adult business establishment, at least two hundred fifty (250) feet from the nearest property line of any public, private or parochial school, church, synagogue or similar place of worship, public library, playground, or child care facility, and at least two hundred fifty (250) feet from any Residential District (RA, RB, RC, RD & RR) as measured in a straight line without regard to intervening

structures or objects. They also cannot be located between Union Street and Sherwin Street and between Elm Street and the Kennebec River.

B. No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

3. Violations: Violations of this ordinance are subject to the civil penalties, injunctive remedies and attorney's fees provisions of 30-A M.R.S.A. §§ 4452 (3), as amended. Each day a violation continues is a separate violation.

APPROVED

Waterville City Council
Effective March 17, 2011
(Ordinance 11-2011)



AIRPORT ORDINANCE

ARTICLE I. ADMINISTRATION

Sec. 1-1. Airport Manager.

The City, through its City Manager, will appoint a person to act as the Airport Manager.

Responsibilities of this position will vary according to whether or not the City has a Fixed Based Operator (FBO) stationed at the airport. At a minimum, the Airport Manager will be responsible for all operational and planning needs of the airport. This could include the supervision of personnel, the purchase of equipment and supplies, preparation of the annual budget and planning for Capital Improvement projects.

In addition, this person will be the contact person for all State and Federal regulatory agencies on matters pertaining to the airport.

Sec. 1-2. Airport Advisory Board.

There is hereby established an Airport Advisory Board composed of nine (9) individuals, a majority of whom shall be City residents. The remaining members need not be residents of the City, but should have an interest in or experience with aviation related activities. At least two (2) members of the Board shall be Waterville City Councilors. Board members shall serve without compensation.

Appointments to the Airport Advisory Board shall be made by the Mayor with the approval of a majority of the City Council. In case of a vacancy, the Mayor, with the approval of the Council, shall appoint a successor to fill the unexpired term. The initial terms of the members of said Airport Advisory Board shall be staggered as follows: three (3) members for one (1) year, three (3) for two (2) years, and three (3) for three (3) years. At the expiration of the initial term of each member of the Airport Advisory Board, all subsequent terms shall be for three (3) years.

The Airport Advisory Board shall be charged with the duty of advising the City Manager, Airport Manager, Mayor and Council on matters pertaining to the municipal airport. The Board should focus on developing plans/recommendations to improve the long term viability of the airport.

Sec. 1-3. Air-space Easements

Appendix A provides a listing of air space easements required for the operation of the Robert LaFleur municipal airport.

ARTICLE II. SAFETY RULES AND REGULATIONS

Sec. 2-1. Purpose.

The purpose of this article is to promote public safety and to establish aircraft taxi and vehicle speed limits on the appropriate portions of the airport.

Sec. 2-2. Aircraft taxi speeds.

Aircraft taxi speeds shall not exceed twenty (20) miles per hour on the ramps and taxiways of said airport. Taxi tests, where speeds exceeding twenty (20) miles per hour may be necessary, shall be conducted on the runways after receiving prior permission from the Airport Manager or his authorized representative.

Sec. 2-3. Speed of vehicles.

- (a) The speed limits on the airport proper, taxiways, ramps, etc. shall be fifteen (15) miles per hour.
- (b) There is no attempt to establish speed limits on the runway proper; however, vehicles operating on the runway shall be operated at safe and reasonable speeds.

Sec. 2-4. Operation of vehicles on ramps, taxiways, runways.

- (a) No vehicles, including motorized recreation vehicles and motorized terrain vehicles, shall operate on the ramps, taxiways, runways, or any other portions of the airport proper without the permission of the airport manager or his authorized representative.
- (b) Vehicles must have their headlights on while operating in the areas designated in this section.

Sec. 2-5. Takeoffs and landings.

The entire Airport or designated runways may be closed by the Airport Manager during inclement weather conditions or for other reasons. All regulations published by the Federal Aviation Administration shall apply during such times.

Sec. 2-6. Calm wind runway.

Runway "5-23" is designated as the calm wind runway. Runway "5-23" shall be used by all arriving and/or departing aircraft whenever the surface wind is less than five (5) nautical miles per hour.

Any pilot who deviates from this procedure shall yield to conflicting traffic which is conforming to this section, and remain clear of the traffic pattern or runway until the way is clear. The intent is to not disrupt aircraft operations conforming to the calm wind runway procedure.

In the event of an emergency, the pilot may elect to use any runway and claim priority by broadcasting the appropriate radio signal or phrase.

Sec. 2-7. Animals prohibited.

Animals shall not be permitted to roam freely on the airport proper. Any animal which is observed on the runways, taxiways, ramps or grassy areas shall be apprehended. Any costs incurred shall be the responsibility of the owner of the animal or animals.

Sec. 2-8. Pedestrian traffic.

Pedestrian traffic shall not be permitted on the ramps, or taxiways, or within five hundred (500) feet of the runways, without the permission of the airport manager or his authorized representative.

Sec. 2-9. Parking of aircraft.

The airport manager or his authorized representative shall be responsible for directing all aircraft to suitable parking spaces.

Sec. 2-10. Aircraft operational tests and engine run-ups.

Aircraft operational tests or engine run-ups shall be made in the designated areas. In no case will these tests or engine run-ups be performed in the vicinity of the terminal building, any hangar, or other inhabited structures.

Sec. 2-11. Restriction of use of ramps, taxiways or runways.

The airport manager, or his authorized representative, shall have the authority to restrict the use of any ramps, taxiways or runways to any person whom he deems to be incapable of safely operating on these areas.

Sec. 2-12. Inspection of taxiways, ramps and runways.

(a) The airport manager, or his authorized representative, shall be responsible for inspecting the taxiways, ramps, and runways. This inspection shall be conducted daily.

(b) The airport manager is responsible for initiating appropriate NOTAMS in the event any abnormal condition is noted during the inspection. In addition, the airport manager is responsible for notifying the City Manager of any abnormal conditions whether NOTAM action is required or not.

Sec. 2-13. Reporting of accidents.

The airport manager or his authorized representative shall notify the City Manager of any accident which occurs at the airport, or its vicinity, as soon as practicable. A follow-up written report shall be rendered within seventy-two (72) hours.

Sec. 2-14. Restrictions for safe conduct of airport activity.

The airport manager, or his authorized representative, shall have the authority to suspend operations, close any building, or order from the premises, any person or persons whom he deems to be under the influence of intoxicants or drugs.

Sec. 2-15. Smoking.

Smoking is prohibited within the fence.

APPENDIX A

The following described air rights are hereby acquired, pursuant to 6 M.R.S.A., section 122(2):

A perpetual easement and right-of-way for the free and unobstructed passage of aircraft in and through the air space necessary and desirable for the purpose of providing clearance for airplanes landing or taking off from Runway 14-32 of the Robert A. LaFleur Airport, Waterville, Maine, to wit:

Runway 14 approach:

A clearance zone, hereinafter referred to as the "approach surface," being a fan-shaped zone which begins two hundred (200) feet westerly of Runway 14-32; the base line or beginning of said zone is two hundred fifty (250) feet wide, and is at right angles to the centerline of said runway extended and one hundred twenty-five (125) feet on each side of said centerline; thence extending in a westerly direction in a fan shape as aforesaid, the sides of said approach surface having an interior angle of 90°-42'-38" and the plane of said approach surface starting at the same elevation as that of the aforesaid runway end and rising at a slope of 20:1; i.e. for every twenty (20) feet extended horizontally there shall be a rise of one (1) foot vertically as measured along the centerline of said runway extended for a distance of five thousand (5,000) feet to an outermost width of one thousand two hundred fifty (1,250) feet. Extending from each side of the above described approach surface is a "transition surface" which is a plane extending upwards from the approach surface at a slope of 7:1 at right angles to the centerline of said runway extended; i.e. for every seven (7) feet extended horizontally there shall be a rise of one (1) foot vertically; insofar as said easement affects the lands situated in Waterville, County of Kennebec, State of Maine.

Runway 32 approach:

A clearance zone, hereinafter referred to as the "approach surface," being a fan-shaped zone which begins two hundred (200) feet easterly of Runway 14-32; the base line or beginning of said zone is two hundred fifty (250) feet wide, and is at right angles to the centerline of said runway extended and one hundred twenty-five (125) feet on each side of said centerline; thence extending in an easterly direction in a fan shape as aforesaid, the sides of said approach surface having an interior angle of 95°-42'-38" and the plane of said approach surface at the same elevation as that of the aforesaid runway end and rising at a slope of 20:1; i.e. for every twenty (20) feet extended horizontally there shall be a rise of one (1) foot vertically as measured along the centerline of said runway extended for a distance of five thousand (5,000) feet to an outermost width of one thousand two hundred fifty (1,250) feet. Extending from each side of the above described approach surface is a "transition surface" which is a plane extending upward from the approach surface at a slope of 7:1 at right angles to the centerline of said runway extended; i.e. for every seven (7) feet extended horizontally there shall be a rise of one (1) foot vertically; insofar as said easement affects the lands situated in Waterville, County of Kennebec, State of Maine.

The easement and rights hereby described include the continuing right to clear and keep clear the above described land of any and all obstructions infringing upon or extending above the plane of said glidepath, and for this purpose to cut and remove trees, underbrush and soil, and to demolish and remove buildings or any other structures or obstructions infringing upon or extending above said plane, together with the right of ingress and egress from the passage on and over said lands for the purpose of effecting and maintaining such clearance.

Runway 5-23:

The following described air rights are hereby acquired pursuant to 6 M.R.S.A. section 122(2):

A perpetual easement and right-of-way for the free and unobstructed passage of aircraft in and through the air space necessary and desirable for the purpose of providing clearance for airplanes landing or taking off from Runway 5-23 of the Robert A. LaFleur Airport, Waterville, Maine to wit:

A clearance zone hereinafter referred to as the "approach surface," being a fan-shaped zone which begins two hundred (200) feet southerly of Runway 5-23; the base line or beginning of said zone is one thousand (1,000) feet wide, and is at right angles to the centerline of said runway extended and five hundred (500) feet on each side of said centerline; thence extending in a southwesterly direction in a fan shape as aforesaid, the sides of said approach surface having an interior angle of 98°-31'-57" and the plane of said approach surface starting at the same elevation as that of the aforesaid runway end and rising at a slope of 34:1; i.e. for every thirty-four (34) feet extended horizontally there shall be a rise of one (1) foot vertically as measured along the centerline of said runway extended for a distance of fifty thousand (50,000) feet to an outer most width of sixteen thousand (16,000) feet. Extending from each side of the above described approach surface is a "transition surface" which is a plane extending upward from the approach surface at a slope of 7:1 at right angles to the centerline of said runway extended; i.e. for every seven (7) feet extended horizontally there shall be a rise of one (1) foot vertically; insofar as said easement affects the lands situated in Waterville, County of Kennebec, State of Maine.

Runway 23 approach:

A clearance zone, hereinafter referred to as the "approach surface," being a fan-shaped zone which begins two hundred (200) feet northerly of Runway 5-23; the base line or beginning of said zone is one thousand (1,000) feet wide, and is at right angles to the centerline of said runway extended and five hundred (500) feet on each side of said centerline; thence extending in a northerly direction in a fan shape as aforesaid. The sides of said approach surface having an interior angle of 92°-51'-45" and the plane of said approach surface starting at the same elevation as that of the aforesaid runway end rising at a slope of 20:1; i.e. for every twenty (20) feet extended horizontally there shall be a rise of one (1) foot vertically as measured along the centerline of said runway extended for a distance of five thousand (5,000) feet to an outer most width of one thousand five hundred (1,500) feet. Extending from each side of the above described approach surface is a "transition surface" which is a plane extending upward from the approach surface at a slope of 7:1 at right angles to the centerline of said runway extended; i.e. for every seven (7) feet extended horizontally there shall be a rise of one (1) foot vertically, insofar as said easement affects the lands situated in Waterville, County of Kennebec, State of Maine.

The easement and rights hereby described include the continuing right to clear and keep clear the above described land of any and all obstructions infringing upon or extending above the plane of said glidepath, and for this purpose to cut and remove trees, underbrush and soil, and to demolish and remove buildings or any other structures or obstructions infringing upon or extending above said plane, together with the right of ingress and egress from and passage on and over said lands for the purpose of effecting and maintaining such clearance.

APPROVED

Waterville City Council
Effective: March 23, 2007
(Ordinance 3-2007)



ANIMAL CONTROL ORDINANCE

ARTICLE I. IN GENERAL

Sec. 1-1. Feeding of Birds. No person shall feed or bait any bird upon any public property within the congested business area, as defined in the ordinance governing Licenses, Permits and Business Regulations.

ARTICLE II. DOGS

Sec. 2-1. Definitions.

For the purpose of this article, the following terms shall have the meanings given herein:

Dog shall be intended to mean both male and female.

Owner shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

At large means off the premises of the owner and not under the control of any person by means of a leash or personal presence and attention as will reasonably control the conduct of such dog.

Sec. 2-2. License.

Each owner of a dog of the age of six (6) months or older must secure a license for such from the city clerk pursuant to all rules and regulations set forth in 7 M.R.S.A., Section 3451.

Sec. 2-3. Running at large.

Any dog running at large may be seized and impounded. The owner of such dog commits a civil violation for which a forfeiture of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) shall be adjudged, no portion of which shall be suspended or deferred.

Sec. 2-4. Number of dogs limited.

(a) It shall be unlawful for any person to keep or harbor within the city more than three (3) dogs over four (4) months old in or about any premises, house, barn or other building, or in or about all buildings on any one (1) premises occupied by any one (1) family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a nuisance.

(b) The payment for a license or licenses on dogs shall not be construed to allow the keeping of more than three (3) dogs, as aforesaid, on any one premises.

(c) This limitation shall not apply to any person engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital as long as any such operation complies with all zoning and other city ordinances and state licensing requirements.

Cross references: Kennels and veterinary hospitals allowed as special exceptions in RR zone, Appendix A, Zoning, § V(A)(5)(c)(3).

Sec. 2-5. Barking or howling 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.

Sec. 2-6. Disposal of dog waste.

(a) 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 street, sidewalk, publicly owned property, or private property of another.

(b) Failing to immediately remove and lawfully dispose of any dog feces left upon any street, sidewalk, publicly owned property, or private property of another is a civil violation for which a forfeiture of not less than fifty dollars (\$50.00) for a first offense one hundred dollars (\$100.00) for a second or subsequent offense imposed, none of which may be suspended.

(c) This section shall be enforced by the animal control officer or Waterville Police Department.

State law references: Licensing, 7 M.R.S.A. §§ 3451--3454; dogs running at large, 7 M.R.S.A. §§ 3455--3457; owner must pay impoundment fees, 7 M.R.S.A. § 3459; dangerous dogs, 7 M.R.S.A. § 3605; owner liable for damages, 7 M.R.S.A. §§ 3651, 3652-A, 3653; authority for game warden to kill a dog, 12 M.R.S.A. § 7504(6); department of human services authority, 22 M.R.S.A. § 1311; quarantine, 7 M.R.S.A. § 1755; killing for assault permitted, 7 M.R.S.A. § 3604.

APPROVED

Waterville City Council
Effective: September 30, 2006
(Ordinance 14-2006)



BICYCLE ORDINANCE

Sec 1. Authority to prohibit bicycles in certain areas.

The City Council shall have the power and authority to designate and plainly mark such streets, ways or walks as may not be ridden upon by persons riding bicycles within the city.

Sec. 2. Riding on sidewalks prohibited in business district.

No person shall ride or propel any bicycle upon any sidewalk in the Congested Business Area as defined in the ordinance governing Licenses, Permits and Business Regulations.

Sec. 3. Lighting required for after-dark travel.

It shall be unlawful to ride or propel a bicycle on any street, way or public highway of the city after dark unless such bicycle shall be equipped with a sufficient light, attached to the front of such bicycle, visible from the front thereof not less than two hundred (200) feet and properly lighted, and unless it shall be equipped with a red taillight or, in lieu thereof, a reflector attached to and visible from the rear of said bicycle for a distance of not less than two hundred (200) feet. Pedals shall bear reflection strips and handle bars shall bear reflector tapes.

Sec. 4. Hitching rides prohibited.

It shall be unlawful for any person while riding a bicycle to hold on to a moving bus, truck or other vehicle.

State law references: State regulation of bicycles, 29-A M.R.S.A. §§ 2063.

APPROVED

Waterville City Council
Effective: September 30, 2006
(Ordinance 15-2006)



BUILDING & ELECTRICAL PERMIT ORDINANCE

ARTICLE I. IN GENERAL

Sec. 1-1. Code adopted.

Pursuant to the authority granted in Title 30A, Section 3001 of State law, the City hereby adopts the Maine Uniform Building & Energy Code (MUBEC), for the purpose of establishing rules and regulations for the construction, alteration, removal or demolition of buildings and structures, including permit fees and penalties, and that all the provisions of said Code are incorporated as fully as if set out at length herein. This code, as amended from time to time, will be kept on file in the office of the Code Enforcement Officer and it is understood that the provisions of said Code shall be controlling in the construction of all buildings and structures within the corporate limits of the City.

Sec. 1-2. Permits Required.

Permits are required prior to the start of any construction, alteration, removal or demolition of any and all buildings or structures within the City of Waterville and as further explained in the duly adopted Maine Uniform Building & Energy Code (MUBEC) as amended from time to time.

All permits required by this ordinance shall be issued by the City's office of Code Enforcement.

Sec. 1-3. Fees.

Fees are as provided for in the Maine Uniform Building & Energy Code (MUBEC) and as shown in Table 1 attached to this ordinance. The City Council reserves the right to amend said fee structure from time to time. For those construction activities not specifically outlined in Table 1, fees will be charged as shown in Table 2.

Permits applied for after work has started; may be charged double the amount of the fee as prescribed above subject to a maximum of one hundred dollars (\$100.00). Such assessed penalty shall not absolve the violator of any responsibilities or fines as a result of other violations associated with this project.

Sec. 1-4. State Permit Required.

Prior to occupancy of a new or renovated commercial building greater than 3,000 square feet in size, the applicant must have written approval from the Office of the State Fire Marshal that the building plans meet all requirements of the National Life Safety Code.

Sec. 1-5. Duties of Code Enforcement Officer.

(a) The Code Enforcement Officer (CEO) shall receive the applications required by this Code and issue permits and any other certifications required herein. The CEO shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with and that construction proceeds safely. The CEO shall,

when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Code and render written reports on them. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in building and structures, the CEO shall issue such notices or orders as may be necessary.

(b) Inspections required under the provisions of the building code shall be made by the CEO or his duly appointed assistant. The CEO may accept reports from inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless they are in writing and certified to by a responsible officer of such service.

(c) The CEO shall keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the CEO without the CEO's consent.

Sec. 1-6. Certificate of occupancy.

If requested, the Code Enforcement Officer shall issue a certificate of occupancy after the building meets all requirements of the International Building Code and the National Life Safety Code.

Sec. 1-7. Civil penalties.

Penalties for violations of the International Building Code shall be in accord with the civil penalties provided in Title 30-A MRSA section 4452(3), as amended from time to time.

ARTICLE II. ELECTRICAL REQUIREMENTS

Sec. 2-1. Code adopted.

There is hereby adopted by the City under authority of Title 30-A MRSA 3003 for the purpose of establishing rules and regulations for all electrical installations a certain electrical code known as the National Electrical Code, 1996 Edition, and sometimes referred to as NFPA Standard 70HB96, as amended from time to time, a copy of which is filed in the office of the Code Enforcement Officer and the same is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the installation of all electrical wiring and equipment within the corporate limits of the City.

Sec. 2-2. Appointing authority.

The City Manager shall appoint an Electrical Inspector who shall be a person possessing a practical knowledge of electricity. The Electrical Inspector shall have the care of all the electrical appliances belonging to the City and shall superintend all improvements and additions

thereto, and shall make all necessary repairs thereon, in order that they may at all times be in efficient working order. The Electrical Inspector shall be the person charged with the enforcement of this chapter. Electrical inspection requirements of the chapter shall be applicable to all the following, within the territorial boundaries of the City of Waterville:

- (a) All original installation of electrical equipment;
- (b) Alterations or additions to existing electrical equipment.

Sec. 2-3. Permits Required and Fees.

As provided for in Section 2-3, electrical permits are required prior to the start of any construction work. Fees for such permits are provided for in Table 3, attached to this ordinance which fee structure may be amended from time to time by the City Council.

APPROVED

Waterville City Council
Effective: September 30, 2006
(Ordinance 17-2006 &
Ordinance 18-2006)

TABLE 1

CITY OF WATERVILLE

BUILDINGS

RESIDENTIAL —COMMERICAL —INDUSTRIAL —INSTITUTIONAL FEE FORMULA

PERMIT FEE = .0089

GROSS AREA MODIFIER = 74

PERMIT FEE = Gross Area \times Gross Area Modifier \times Type of Construction Factor \times Permit Fee Multiplier

INTERNATIONAL BUILDING CODE
TYPE OF CONSTRUCTION FACTOR ^{a, b, c, d, e}

| GROUP | | Type of Construction | | | | | | | | |
|-------------|--|----------------------|------|------|------|------|------|------|------|------|
| | | IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
| A-1 | Assembly, theaters, with stage | 1.75 | 1.70 | 1.66 | 1.57 | 1.48 | 1.47 | 1.53 | 1.37 | 1.33 |
| | Assembly, theaters, without stage | 1.58 | 1.53 | 1.49 | 1.40 | 1.31 | 1.30 | 1.36 | 1.20 | 1.16 |
| A-2 | Assembly, nightclubs | 1.26 | 1.22 | 1.19 | 1.12 | 1.04 | 1.04 | 1.08 | 0.95 | 0.92 |
| A-2 | Assembly, restaurants, bars, banquet halls | 1.24 | 1.21 | 1.16 | 1.10 | 1.02 | 1.03 | 1.07 | 0.92 | 0.91 |
| A-3 | Assembly, churches | 1.60 | 1.54 | 1.50 | 1.42 | 1.33 | 1.32 | 1.37 | 1.22 | 1.18 |
| A-3 | Assembly, general, community halls, libraries, | 1.25 | 1.20 | 1.15 | 1.07 | 0.97 | 0.97 | 1.03 | 0.86 | 0.83 |
| A-4 | Assembly, arenas | 1.24 | 1.21 | 1.16 | 1.10 | 1.02 | 1.03 | 1.07 | 0.92 | 0.91 |
| B | Business | 1.23 | 1.18 | 1.14 | 1.07 | 0.96 | 0.95 | 1.03 | 0.84 | 0.82 |
| E | Educational | 1.33 | 1.28 | 1.24 | 1.17 | 1.08 | 1.05 | 1.13 | 0.96 | 0.92 |
| F-1 | Factory and Industrial, moderate hazard | 0.76 | 0.72 | 0.67 | 0.64 | 0.55 | 0.56 | 0.61 | 0.46 | 0.44 |
| F-2 | Factory and Industrial, low hazard | 0.74 | 0.71 | 0.67 | 0.62 | 0.55 | 0.55 | 0.60 | 0.46 | 0.43 |
| H-1 | High hazard, explosives | 0.73 | 0.69 | 0.65 | 0.60 | 0.53 | 0.53 | 0.58 | 0.45 | N.P. |
| H-2 thru H- | High hazard | 0.73 | 0.69 | 0.65 | 0.60 | 0.53 | 0.53 | 0.58 | 0.45 | 0.41 |
| H-5 | HPM | 1.23 | 1.18 | 1.14 | 1.07 | 0.96 | 0.95 | 1.03 | 0.84 | 0.82 |
| I-1 | Institutional, supervised environment | 1.21 | 1.16 | 1.13 | 1.07 | 0.98 | 0.98 | 1.06 | 0.89 | 0.86 |
| I-2 | Institutional, incapacitated | 2.07 | 2.03 | 1.98 | 1.91 | 1.80 | N.P. | 1.87 | 1.68 | N.P. |
| I-3 | Institutional, restrained | 1.41 | 1.36 | 1.32 | 1.25 | 1.15 | 1.14 | 1.21 | 1.04 | 0.99 |
| I-4 | Institutional, daycare facilities | 1.21 | 1.16 | 1.13 | 1.07 | 0.98 | 0.98 | 1.06 | 0.89 | 0.86 |
| M | Mercantile | 0.96 | 0.92 | 0.88 | 0.82 | 0.74 | 0.75 | 0.78 | 0.65 | 0.63 |
| R-1 | Residential, hotels | 1.31 | 1.27 | 1.24 | 1.17 | 1.09 | 1.09 | 1.16 | 1.00 | 0.97 |
| R-2 | Residential, multiple family | 1.10 | 1.06 | 1.02 | 0.96 | 0.88 | 0.88 | 0.95 | 0.79 | 0.76 |
| R-3 and IRC | Residential, one- and two- family | 0.91 | 0.88 | 0.86 | 0.82 | 0.78 | 0.77 | 0.80 | 0.72 | 0.67 |
| R-4 | Residential, care/assisted living facilities | 1.21 | 1.16 | 1.13 | 1.07 | 0.98 | 0.98 | 1.06 | 0.89 | 0.86 |
| S-1 | Storage, moderate hazard | 0.71 | 0.68 | 0.63 | 0.59 | 0.50 | 0.52 | 0.57 | 0.42 | 0.40 |
| S-2 | Storage, low hazard | 0.70 | 0.66 | 0.63 | 0.58 | 0.50 | 0.50 | 0.56 | 0.42 | 0.39 |
| U | Utility, miscellaneous | 0.55 | 0.52 | 0.49 | 0.45 | 0.39 | 0.39 | 0.43 | 0.32 | 0.30 |

Note a. R-3 Garages = 0.20.

Note b. Unfinished basements (all use groups) = 0.40.

Note c. Finished basements (all use groups) = 0.40.

Note d. Gross area modifier = 74.

Note e. N.P. = Not permitted.

TABLE 2

FEES FOR ITEMS NOT COVERED IN BUILDING PERMITS SCHEDULE

| PERMIT TYPE | WATERVILLE |
|---|--|
| OUTBUILDINGS UP TO 10X10 | \$10.00 |
| NEW DRIVEWAYS (curb cut) | \$30.00 for first \$1,000.00 after that \$6.00 per \$1,000.00 |
| PARKING | 25-100 spaces - \$60 101-300 spaces - \$89 Over 300 - \$1.00 per space |
| MOBILE HOME | \$100.00 |
| RENOVATIONS | \$30.00 for first \$1,000.00 after that \$7.00 per \$1,000.00 |
| CHANGE OF USE | \$30.00 |
| SPRINKLER SYSTEMS For systems not part of another project. | If under 10 heads - \$5 Over 10 heads or under 50 - \$16 Over 50 Heads - \$41 Over 100 heads - \$58 Add \$10 for each story over 1 st . Over 50 heads requires plans review- \$100 |
| POOLS | \$30.00 for first \$1,000.00 after that \$6.00 per \$1,000.00 |
| FUEL TANK | Underground and above ground tanks 331 gallons to 300,001 or more, gasoline, fuel or oil tank - \$37.00 Liquefied gases 125 to 120,000 gallons or more water capacity, under and above ground - \$37.00 |
| SIGNS | \$30.00 plus \$.20 per sq. ft |
| EXCAVATION/ GRADING, ETC. | \$30.00 for first \$1,000.00 after that \$6.00 per \$1,000.00 |
| DEMOLITION | \$30.00 for first \$1,000.00 after that \$6.00 per \$1,000.00 |
| MOVING | Removal of a building or structure from one lot to another or to a new location on the same lot. \$30 plus 100% of any direct cost for services provided by the City. |
| BELATED FEE FOR LATE APPLICATION AFTER WORK HAS BEEN STARTED | According to City Ordinance |
| MISCELLANEOUS ITEMS Decks | \$30.00 for first \$1,000.00 after that \$6.00 per \$1,000.00 |
| FIRE DEPARTMENT PLAN REVIEW | |
| CITY ENGINEER PLAN REVIEW | |



ELECTRICAL PERMIT FEES - CITY OF WATERVILLE, MAINE

MINIMUM FEES

\$27.00 _____ RESIDENTIAL
 \$27.00 _____ MULTI-FAMILY DWELLING (PER UNIT)
 \$45.00 _____ COMMERCIAL
 \$27.00 _____ ALL TEMPORARY SERVICES

SERVICES, SINGLE PHASE & THREE PHASE

\$15.00 _____ 1 and 3 phase through 800A
 \$25.00 _____ 800 amp and larger
 \$ 4.00 _____ \$ _____ Branch circuit panels, **Each**

WIRING

_____ @ \$.50 \$ _____ Openings (outlet, light, switch)

APPLIANCES 240 VOLTS

\$ 3.00 _____ \$ _____ Ranges, ovens, water heater, dryer,
 Air Conditioner, **Each**

APPLIANCES 120 VOLTS

\$ 3.00 _____ \$ _____ Compactor, Dishwasher, Disposal,
 Air Conditioner, **Each**

DOMESTIC HEAT

\$ 1.00 _____ Electric per KW
 \$ 5.00 _____ Gas, oil, other

\$27.00 _____ **Mobile Home**
 \$27.00 _____ **Modular Home**
 \$10.00 _____ **Swimming Pools**

_____ @ \$10.00 \$ _____ **ALARM SYSTEMS, FIRE, BURGLAR, ETC.**

CIRCUSES, CARNIVALS, FAIRS, ETC.

\$40.00 _____ Up to 400 amps
 \$50.00 _____ More than 400 amps

TRANSFORMERS

_____ @ \$20.00 \$ _____ Vaults
 _____ @ \$10.00 \$ _____ 0-25 KVA
 _____ @ \$14.00 \$ _____ 26-200 KVA
 _____ @ \$20.00 \$ _____ Over 200 KVA

MOTORS & GENERATORS

_____ @ \$ 2.00 \$ _____ Motors – fractional
 _____ @ \$ 4.00 \$ _____ Motors – 1 hp and larger
 _____ @ \$20.00 \$ _____ Generators

\$10.00 _____ **Closed Circuit TV, Intercom Systems**
 \$10.00 _____ **SIGNS – Portable, mobile, permanent**
 \$ 5.00 _____ **EMERGENCY LIGHTING SYSTEM PER LIGHTS**
 \$27.00 _____ **RE-INSTALL ELECTRICAL SERVICE AFTER SIDING JOB**



CONSUMER FIREWORKS ORDINANCE

(Effective June 18, 2012)

Section 1. Purpose and Authority.

- a) Purpose. This ordinance governs and prohibits the sale and use of consumer fireworks to ensure the safety of the residents and property owners of the City of Waterville and of the general public.
- b) Title and authority. This ordinance shall be known as the "Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S.A § 223-A.

Section 2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks — "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- a) Missile-type rockets, as defined by the State Fire Marshal by rule;
- b) Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Section 3. Sale of Consumer Fireworks Prohibited.

No person shall sell or offer for sale consumer fireworks within the City of Waterville

Section 4. Use of Consumer Fireworks Prohibited.

No person shall use, fire, or cause to be exploded consumer fireworks within the City of Waterville.

Section 5. Violation and Enforcement.

- a) **Penalty for sale violation.** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs for the first offense, and a penalty of not less than six hundred dollars (\$600.00) and not more

than one thousand dollars (\$1,000.00) plus attorney's fees and costs for subsequent offenses, to be recovered by the City of Waterville for its use. Each day such violation occurs or continues to occur shall constitute a separate violation and fines imposed may not be suspended.

- b) **Penalty for use violation.** Any person who violates the provisions of Section 4 (Use of Consumer Fireworks Prohibited) shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus attorney's fees and costs for the first offense, and a penalty of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) plus attorney's fees and costs for subsequent offenses, to be recovered by the City of Waterville for its use. Each day such violation occurs or continues to occur shall constitute a separate violation. Any fines imposed may not be suspended.
- c) **Enforcement.** This Ordinance shall be enforced by the Waterville Police Department.
- d) **Injunction.** In addition to any other remedies available at law or equity, the City of Waterville, acting through its City Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- e) **Seizure & disposal of consumer fireworks.** The City may seize consumer fireworks that the City has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Section 6. Exceptions.

This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A.

Section 7. Severability.

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

A blue, stylized stamp with the word "APPROVED" in all caps, with a slight shadow effect.

Waterville City Council
Approved: June 5, 2012
Effective: June 18, 2012
(Ordinance 111-2012)

WATERVILLE MUNICIPAL CODE OF ETHICS

(Effective February 27, 2018)

Section I: Declaration of Policy

The operation of the City of Waterville requires proper conduct by City officials, whether elected or appointed, to promote public confidence that the integrity of government will be maintained by all City officials; that public office not be used for personal or financial gain or advantage; that the structure of City government be used properly in decision and policy making. In recognition of these goals and the importance of protecting public interest and City officials, a Code of Ethics is hereby established for all.

Section II: Definitions

A. **BUSINESS** - any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized as a for-profit entity or a non-profit entity.

B. **CITY EMPLOYEE** - Any individual working for, on a permanent or temporary basis, and drawing an hourly wage or salary from the City of Waterville. The term "City employee" shall not include outside consultants or professional personnel providing services to the City as independent contractors under a written professional services contract or other similar engagement.

C. **CITY OFFICIAL** – Appointed or elected representatives of the City, excluding city employees.

D. **DISCLOSURE** - For the purposes of this ordinance, disclosure shall mean the act of making known information sufficient to determine the possibility of any conflict of interest between City officials or employees and entities doing business with the City of Waterville.

E. **FINANCIAL INTEREST** - a direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

F. **IMMEDIATE FAMILY** – spouse, domestic partner whether registered or unregistered, in-laws, children including stepchildren, parents, brothers and sisters of City officials or City employees.

G. **RECUSAL** – the act of abstaining from participation, including deliberation and voting, in an official action of the Mayor, City Council, Board or Commission.

H. **SPECIAL INTEREST** - any direct or in-direct interest which will allow some form of personal gain, usually of pecuniary nature.

Section III: Release of Confidential Information

A. No City official or City employee shall, to the detriment of the City, release confidential information concerning the property, government or affairs of the City; nor shall that official or employee use such information to advance the financial or private interest of that official or employee or others.

B. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such City official or City employee only because of that person's position with the City, and is not a matter of public record.

C. Information received and discussed during an executive session of the Waterville City Council called pursuant to 1 MRSA SS 405 et seq. shall be considered within the constraints of this section, and shall not be released to any third party unless permitted by affirmative vote of such body.

Section IV: City Employee's Standards of Conduct

In regards to questions of proper ethical behavior for City employees, the city's Personnel Ordinance, Section 9.3.1 Standards of Conduct shall be the governing document.

Section V: Gifts and Favors

A. No City official, shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any elected or appointed municipal official: accept any gift, favor or thing of value that tends to influence or could reasonably be expected to influence that person in the performance of official duties or was intended as a reward for any official action. This does not prohibit:

1. gifts or social courtesies related to a family relationship or friendship between the elected or appointed official and the donor, which are not designed to influence the proper judgment or action of the officer or employee in a matter within their authority;
2. public, government-sponsored or informational events, generally accepted as a condition of office, where refreshments may be served, which are not designed to influence the proper judgment or action of the elected or appointed official in a matter within their authority;
3. political contributions received in compliance with law;
4. loans obtained according to commercial practice at the prevailing rate of interest;
5. customary performance, merit awards or honorariums, consistent with municipal practices.

Section VI: Use of City Property and Facilities

A. No City official shall use or authorize others to use City-owned property, including but not limited to, motor vehicles, equipment and buildings except for the following:

1. for City business;
2. for purposes and on terms generally available to other persons;
3. according to a contract of employment with the City in which use of such property is part of the compensation or a term of employment.

Section VII: Conflicts of Interest – City Officials

A. Any City official who believes that the official or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the collective body, shall publicly disclose the nature and possible extent of such interest. The collective body will vote to determine if there is a conflict.

B. Any City official who believes that any fellow City official or employee, or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any item before a board or commission, shall seek the legal opinion of the City Solicitor.

C. If the city official disagrees with the City Solicitor's legal opinion, the determination of a conflict will be decided by the collective body. The decision of the collective body, by majority vote, will be final.

D. To avoid the appearance of a violation of this section, once any individual City official is determined to have a conflict of interest in respect to any agenda item, said individual shall cease to participate in any deliberation or voting on that agenda item.

E. Nothing herein shall be construed to prohibit any City official from representing the official's own personal interest by appearing before the collective body on any such agenda item.

F. The Chair of each board or committee, governed by this Code shall request disclosure of possible conflicts of interest of its members at the commencement of each meeting.

Section VIII: Disclosure Statement by City Officials, City Manager and Department Heads

A. Within 30 days of taking the oath of office every member of the City Council and the Mayor shall file a completed disclosure form, concerning the official, the official's spouse or the official's registered or unregistered domestic partner, with the City Clerk with copies forwarded to the members of the City Council and the Mayor.

B. Within 30 days of taking the oath of office, appointed officials of the Planning Board, Board of Zoning Appeals and the Board of Assessment Review shall file a completed disclosure form, concerning the official, the official's spouse or the official's registered or unregistered domestic partner, with the City Clerk with copies forwarded to the members of appropriate Board.

C. The City Manager and all department heads or their designee shall file a completed disclosure form, concerning the disclosing party, the disclosing party's spouse or the disclosing party's registered or unregistered domestic partner, with the City Clerk with copies sent to the City Manager.

D. Disclosure forms shall contain the following information:

1. Disclosing party's contact information
2. A list of the current employer(s) from which payments or compensation are received for the disclosing party, and the disclosing party's spouse or registered or unregistered domestic partner.
3. A list of the name(s) of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party, disclosing party's spouse or registered or unregistered domestic partner holds a position of officer or member of any board.
4. Every disclosing party required to file a disclosure statement shall file amendments to the disclosure statement as may be required to ensure the continued accuracy thereof.
5. Disclosure statements shall be made under oath to the best of the disclosing party's knowledge and belief, with a certifying statement that they have read the Code of Ethics:
6. The City Clerk shall make copies of the completed forms available upon request.

Section IX: Political Standards of Conduct

A. No City official or employee shall participate in any political activity which would be in conflict or incompatible with the performance of their official functions and duties for the City.

B. No City official may use their official authority or position for the purposes of interfering with or affecting the results of any election, nor shall the official solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes.

C. No City official may distribute pamphlets/handbills while performing their official functions and duties with the City.

D. Nothing herein shall be construed to prohibit any City official from participating in the political process in their capacity as private citizens. Acceptable conduct would allow endorsements of a candidate, without the use of an official title. "I, John Doe, support Jim Smith for Council", not "as John Doe, Board member, I support Jim Smith for Council".

E. Except for official functions and duties, political pins can be worn. During Council or Board meetings, view of such pins would not be appropriate.

F. Under the provisions of the Hatch Act, which applies to entities receiving federal funds, City employees are not prevented from enrolling in political or party organizations, expressing political views, campaigning for or against issues, signing nominating papers, or voting in all elections, caucuses and primaries with complete freedom.

G. Under provisions of the Hatch Act, employees are prohibited from using their authority or influence to interfere with an election, may not solicit or discourage political activity of any person who has business before the City, and may not engage in political activity while on duty. Employees wishing additional information are advised to contact the Human Resource Officer or the City Solicitor.

Section X: Ethics Committee

A. Ethics Committee Membership- In accord with the provisions of City Charter, an Ethics Committee has been created consisting of seven (7) members who will be sworn in on appointment by the Mayor and approval by the City Council. The term of each member shall be three years. Members must be residents of the City of Waterville. There shall be no limit on the consecutive number of terms a member may serve.

B. Duties - The Ethics Committee shall meet at least once annually, to elect a Chair and to make recommendations for revisions to this ordinance as necessary to the City Council. A formal review of the entire Ethics Ordinance shall be completed every three years, and reported to the City Council in writing.

Section XI: Statutory Standards

A. There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all City officials and City employees of the City of Waterville whenever applicable as if more fully set forth therein, to wit:

| | |
|--------------------|---|
| 1. 17 MRSA § 3104 | Conflicts of Interest; Purchases by the State |
| 2. 17-A MRSA § 456 | Tampering with Public Records of Information |
| 3. 17-A MRSA § 602 | Bribery in Official and Political Matters |
| 4. 17-A MRSA § 603 | Improper Influence |
| 5. 17-A MRSA § 604 | Improper Compensation for Past Action |

| | |
|----------------------|---|
| 6. 17-A MRSA § 605 | Improper Gifts to Public Servants |
| 7. 17-A MRSA § 606 | Improper Compensation for Services |
| 8. 17-A MRSA § 607 | Purchase of Public Office |
| 9. 17-A MRSA § 608 | Official Oppression |
| 10. 17-A MRSA § 609 | Misuse of Information |
| 11. 17-A MRSA § 903 | Misuse of Entrusted Property |
| 12. 21 MRSA § 533 | Persons Ineligible to Serve as Election Officials |
| 13. 30-A MRSA § 2605 | Conflicts of Interest |
| 14. 30-A MRSA § 5122 | Interest of Public Officials, Trustees or Employees |

Section XII: Separability

A. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Code.

APPROVED

Waterville City Council
Effective: February 27, 2018
(Ordinance 92-2017)



FLOODPLAIN MANAGEMENT ORDINANCE

TABLE OF CONTENTS

| ARTICLE | PAGE |
|---|------|
| I. PURPOSE AND ESTABLISHMENT | 1 |
| II. PERMIT REQUIRED..... | 1 |
| III. APPLICATION FOR PERMIT | 1 |
| IV. APPLICATION FEE AND EXPERT'S FEE | 2 |
| V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS..... | 3 |
| VI. DEVELOPMENT STANDARDS..... | 4 |
| VII. CERTIFICATE OF COMPLIANCE..... | 7 |
| VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS | 8 |
| IX. APPEALS AND VARIANCES | 8 |
| X. ENFORCEMENT AND PENALTIES | 10 |
| XI. VALIDITY AND SEVERABILITY | 10 |
| XII. CONFLICT WITH OTHER ORDINANCES..... | 10 |
| XIII. DEFINITIONS | 10 |
| XIV. ABROGATION | 14 |

ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the City of Waterville, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the City of Waterville, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the City of Waterville, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The City of Waterville has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Waterville having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Waterville, Maine.

The areas of special flood hazard, Zones A and AE for the City of Waterville, Kennebec County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Kennebec County" dated June 16, 2011, with accompanying "Flood Insurance Rate Map" dated June 16, 2011 with panels:

158, 159, 162, 163, 164, 167, 168, 169, 178, 190

derived from the county wide digital flood insurance rate map entitled "Digital Flood Insurance Rate Map, Kennebec County," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Waterville, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study- Kennebec County," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
 - J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
 - K. The following certifications as required in Article VI by a registered professional engineer or architect:
 1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 3. a certified statement that bridges will meet the standards of Article VI.M.;
 4. a certified statement that containment walls will meet the standards of Article VI.N.;
 - L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
 - M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25 for all minor development and \$50 for all new construction or substantial improvements shall be paid to the City Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Zoning Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Zoning Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study – Kennebec County, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 - 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Zoning Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:
 - 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,
 - 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
- H. **Manufactured Homes** - New or substantially improved manufactured homes located within:
1. Zones AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:
 - a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and
 - b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
 - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Digital Flood Insurance Rate Map, Kennebec County, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIII;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 3. The enclosed area shall not be used for human habitation; and,
 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
1. Zones AE and A shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

- O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:
1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Zoning Board of Appeals of the City of Waterville may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Zoning Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - 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 the 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 a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Zoning Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Zoning Board of Appeals in writing over the signature of the Chairman of the Zoning Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that

the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Zoning Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Zoning Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Zoning Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Zoning Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Zoning Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Zoning Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Zoning Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Zoning Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

APPROVED

Waterville City Council
Effective: May 19-2011
(Ordinance 03-2011)



GENERAL ASSISTANCE ORDINANCE

As amended August 6, 2013
(Effective: September 16, 2013)
(Appendices updated annually)

TABLE OF CONTENTS

| | |
|--|---|
| Article I – Statement of Policy | 1 |
| Article II – Definitions..... | 3 |
| Section 2.1 – Common Meaning of Words..... | 3 |
| Section 2.2 – Special Definitions..... | 3 |
| Applicant..... | 3 |
| Application Form..... | 3 |
| Basic Necessities | 3 |
| Case Record..... | 4 |
| Categorical Assistance | 4 |
| Claimant | 4 |
| Deficit | 4 |
| Disabled Person | 4 |
| Dwelling Unit..... | 4 |
| Eligible Person..... | 5 |
| Emergency | 5 |
| General Assistance Program..... | 5 |
| General Assistance Administrator | 5 |
| Household | 5 |
| Income..... | 6 |
| Initial Applicants..... | 7 |
| Just Cause..... | 7 |
| Lump Sum Payment | 7 |
| Material Fact..... | 8 |
| Maximum Levels of Assistance | 8 |

| | |
|---|---------------|
| Misconduct | 8 |
| Municipality..... | 8 |
| Municipality of Responsibility..... | 8 |
| Need | 8 |
| Net General Assistance Costs..... | 9 |
| Period of Eligibility | 9 |
| Pooling of Income..... | 9 |
| Real Estate..... | 9 |
| Recipient | 9 |
| Repeat Applicants | 9 |
| Resident | 9 |
| Resources | 10 |
| 30-Day Need | 11 |
| Unforeseen Repeat Applicants | 11 |
| Unmet Need | 11 |
| Work Requirements..... | 11 |
| Article III – Administrative Rules and Regulations | 12 |
| <u>Section 3.1</u> – Confidentiality of Information..... | 12 |
| Release of Information | 12 |
| Information from Other Sources; Penalty | 12 |
| Misuse of Information | 13 |
| <u>Section 3.2</u> – Maintenance of Records | 13 |
| Case Records..... | 13 |
| Retention of Records..... | 14 |
| Article IV – Application Procedure..... | 15 |
| <u>Section 4.1</u> – Right to Apply | 15 |
| Who May Apply | 15 |
| Application Via Telephone | 15 |

| | |
|--|----|
| Written Application Upon Each Request..... | 15 |
| Applications Accepted; Posted Notice | 16 |
| <u>Section 4.2</u> – Application Interview | 16 |
| <u>Section 4.3</u> – Contents of the Application | 16 |
| <u>Section 4.4</u> – General Assistance Administrator’s Responsibilities at the Time of the Application | 17 |
| Application Requirements..... | 17 |
| Eligibility Requirements | 18 |
| Applicant Rights..... | 18 |
| Reimbursement/Recovery | 18 |
| <u>Section 4.5</u> – Responsibilities of the Applicant at the Time of Application | 19 |
| <u>Section 4.6</u> – Action on Applications..... | 20 |
| Written Decision | 20 |
| Content..... | 20 |
| <u>Section 4.7</u> – Withdrawal of an Application | 21 |
| <u>Section 4.8</u> – Temporary Refusal to Accept Application | 21 |
| <u>Section 4.9</u> – Emergencies | 22 |
| Disqualification | 22 |
| Assistance Prior to Verification..... | 23 |
| Telephone Applications | 23 |
| Limitation on Emergency Assistance | 23 |
| <u>Section 4.10</u> – Residence | 25 |
| Moving/Relocating | 25 |
| Institutions | 25 |
| Temporary Housing | 26 |
| Disputes | 26 |
| Article V – Eligibility Factors | 27 |
| <u>Section 5.1</u> – Initial Application | 27 |
| Initial Application | 27 |

| | |
|---|----|
| Subsequent Applicants..... | 27 |
| <u>Section 5.2 – Eligibility for Categorical Assistance.....</u> | 28 |
| <u>Section 5.3 – Personal Property</u> | 28 |
| a) Liquid Assets..... | 28 |
| b) Tangible Assets | 29 |
| c) Automobile Ownership | 29 |
| d) Insurance | 30 |
| e) Transfer of Property | 30 |
| <u>Section 5.4 – Ownership of Real Estate.....</u> | 30 |
| a) Principal Residence | 30 |
| b) Other Property | 32 |
| <u>Section 5.5 – Work Requirement</u> | 32 |
| Employment; Rehabilitation..... | 32 |
| Verification | 33 |
| Ineligibility..... | 33 |
| Ineligibility Due to Job Quit or Discharge for Misconduct | 34 |
| Just Cause | 34 |
| Applicant’s Burden of Establishing Just Cause | 35 |
| Eligibility Regained..... | 35 |
| Dependents..... | 35 |
| Exemptions | 36 |
| <u>Section 5.6 – Municipal Work Program</u> | 36 |
| Consent..... | 37 |
| Subtracting Value of Workfare Performed from Client’s GA Debt | 37 |
| Limitations | 37 |
| “Workfare First” Policy..... | 39 |
| Work-Related Expenses..... | 41 |
| Disqualification | 41 |
| Eligibility Regained..... | 41 |
| Reports..... | 42 |

| | |
|--|-----------|
| <u>Section 5.7 – Use of Resources</u> | 43 |
| Minors | 43 |
| Mental or Physical Disability..... | 44 |
| Written Notice; Disqualification..... | 44 |
| Forfeiture of Benefits | 45 |
| <u>Section 5.8 – Period of Ineligibility</u> | 45 |
| Work Requirement | 45 |
| Fraud..... | 46 |
| Article VI – Determination of Eligibility | 47 |
| <u>Section 6.1 – Recognition of Dignity and Rights</u> | 47 |
| <u>Section 6.2 – Determination; Redetermination</u> | 47 |
| <u>Section 6.3 – Verification</u> | 48 |
| Eligibility of applicant; duration of eligibility..... | 48 |
| Applicant’s responsibilities | 48 |
| Initial Applicants | 48 |
| Repeat Applicants | 49 |
| Unforeseen Repeat Applicants..... | 49 |
| Overseer’s responsibilities | 49 |
| Redetermination of eligibility | 50 |
| Penalty for Refusing to Release Information | 51 |
| <u>Section 6.4 – Fraud</u> | 51 |
| Period of Ineligibility | 51 |
| Right to a Fair Hearing | 52 |
| Reimbursement..... | 52 |
| Dependents..... | 52 |
| <u>Section 6.5 – Period of Eligibility</u> | 53 |
| <u>Section 6.6 – Determination of Need</u> | 53 |
| Income for Basic Necessities | 54 |
| Use-of-Income Requirements | 55 |

| | |
|---|----|
| Calculation of Income and Expenses | 56 |
| Consolidation of Deficit..... | 57 |
| <u>Section 6.7 – Income</u> | 57 |
| Income Standards | 57 |
| Calculation of Income..... | 58 |
| Types of Income..... | 58 |
| a) Earned income..... | 58 |
| b) Income from Other Assistance or Social Services Programs | 59 |
| c) Court-Ordered Support Payments | 60 |
| d) Income from Other Sources..... | 60 |
| e) Earnings of a Son or Daughter | 60 |
| f) Income from Household Members..... | 60 |
| g) The Pooling or Non-Pooling of Income | 61 |
| h) Lump Sum Income..... | 61 |
| <u>Section 6.8 – Basic Necessities; Maximum Levels of Assistance</u> | 63 |
| Overall Maximum Levels of Assistance..... | 63 |
| Maximum Levels of Assistance for Specific Basic Necessities | 63 |
| A) Food | 64 |
| B) Housing | 65 |
| Rental Payments to Relatives | 65 |
| Rental Payments to Non-Relatives..... | 66 |
| Mortgage Payments | 66 |
| Liens..... | 68 |
| Property Taxes | 69 |
| Housing Maximums | 70 |
| C) Utilities | 71 |
| Electricity Maximums for Households Without Electric Hot Water..... | 71 |
| Electricity Maximums for Households that Use Electrically Heated Hot Water | 72 |
| Non-Electric Utilities | 72 |

| | |
|---|-----------|
| D) Fuel | 72 |
| E) Personal Care and Household Supplies..... | 72 |
| F) Other Basic Necessities | 73 |
| 1) Clothing | 73 |
| 2) Medical | 73 |
| 3) Hospital Bills..... | 74 |
| 4) Dental..... | 75 |
| 5) Eye Care | 75 |
| 6) Telephone Charge..... | 76 |
| 7) Work-Related Expenses..... | 76 |
| 8) Travel Expenses..... | 76 |
| 9) Burials, Cremations | 76 |
| 10) Capital Improvements | 77 |
| <u>Section 6.9 – Burials; Cremations</u> | <u>77</u> |
| Funeral Director Must Give Timely Notice | 77 |
| Application for Assistance Shall be Calculated on Behalf of the Deceased..... | 78 |
| The Financial Responsibility of Certain Family Members | 78 |
| Consideration of the Financial Responsibility of Family Members..... | 79 |
| Proration of Familial Responsibility..... | 79 |
| Ten Days to Determine Eligibility..... | 80 |
| The Municipal Obligation to Pay When Legally Liable Relatives or Others | |
| Can Contribute | 80 |
| Burial Expenses..... | 80 |
| Cremation Expenses | 81 |
| <u>Section 6.10 – Notice of Decision</u> | <u>81</u> |
| Written Decision | 81 |
| Contents | 81 |
| Disbursement of General Assistance | 82 |

| | |
|---|-----------|
| Article VII – The Fair Hearing | 83 |
| <u>Section 7.1</u> – Right to a Fair Hearing | 83 |
| <u>Section 7.2</u> – Method of Obtaining a Fair Hearing | 83 |
| Written Request..... | 83 |
| Scheduling the Fair Hearing | 84 |
| <u>Section 7.3</u> – The Fair Hearing Authority | 84 |
| <u>Section 7.4</u> – Fair Hearing Procedure | 85 |
| Claimant's Failure to Appear | 86 |
| <u>Section 7.5</u> – The Fair Hearing Decision..... | 87 |
| Article VIII – Recovery of Expenses | 89 |
| Recipients | 89 |
| Recipients Anticipating Workers' Compensation Benefits..... | 89 |
| Recipients of SSI | 90 |
| Relatives | 90 |
| Article IX – Severability | 91 |
| Article X – Appendices | 91 |
| Appendix A – GA Overall Maximums | |
| Appendix B – Food Maximums | |
| Appendix C – GA Housing Maximums | |
| Appendix D – Electric Utility Maximums | |
| Appendix E – Heating Fuel | |
| Appendix F – Household & Personal Items | |
| Appendix G –Mileage Rate | |
| Appendix H – Funeral Maximums | |
| Appendix I – Definition of Misconduct (26 MRSA § 1043(23)) | |

ARTICLE I

Statement of Policy

The City of Waterville administers a program of General Assistance (GA) available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided within this ordinance, Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq.

Every effort will be made to recognize the dignity of the applicant while encouraging self-reliance. The program will strive to help eligible persons achieve self-maintenance by promoting the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. The General Assistance program will place no unreasonable restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities, in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the municipal GA program are encouraged to provide the municipality with advance notice regarding the accommodation request.

The General Assistance administrator will act promptly on all applications for assistance and requests for fair hearings. GA applicants will be provided information regarding their rights and responsibilities under the GA program. Within 24 hours of receiving an application, the administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be

furnished within 24 hours after the completed application is submitted except when the administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see section 5.6 of this ordinance*).

The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law (*see 22 MRSA §4306*).

The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II

Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Applicant. A person who has submitted, either directly or through an authorized representative, an application for General Assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the General Assistance administrator for the purpose of allowing a person to apply for General Assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

Basic Necessities. Food, clothing, shelter, fuel, electricity, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt
- Furniture
- Loan re-payments

- Cigarettes
- Alcohol
- Pet care costs
- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property(except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full) (22 M.R.S.A. § 4301(1)).

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household as provided in section 6.8 of this ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (22 M.R.S.A. § 4301(2)).

Eligible Person. A person who is qualified to receive General Assistance from the municipality according to the standards of eligibility set forth in this ordinance (22 M.R.S.A. § 4301(3)).

Emergency. Any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person At the municipality's option, a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S.A. § § 4301(4), 4308(2), 4310).

General Assistance Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A General Assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide General Assistance to a person each time that the person is in need and is found to be otherwise eligible to receive General Assistance (22 M.R.S.A. § 4301(5)).

General Assistance Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker (22 M.R.S.A. § 4301(12)).

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The income of

household members not legally liable shall be considered as available to the applicant only when there is a pooling of income (22 M.R.S.A. § 4301(6)).

Income. “Income” means any form of income in cash or in kind received by the household including:

- Net remuneration for services performed
- Cash received on either secured or unsecured credit
- Payments received as an annuity, retirement or disability benefits
- Veterans’ pensions and/or benefits
- Retirement accounts or benefits
- Workers’ compensation
- Unemployment benefits
- Federal and/or state tax returns
- Benefits under any state or federal categorical assistance
- program such as, TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation)
- Court ordered support payments, e.g., child support
- Income from pension or trust funds
- Household income from any other source, including relatives or unrelated household members
- Student loans
- Rental income

The following items shall not be considered as income or assets that must be liquidated for the purposes of deriving income:

- 1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or

- 3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality (22 M.R.S.A. § 4301(7)).

- 4) Certain public benefit programs are specifically exempt from being counted as income for purposes of GA. These programs include:
- Food Stamps (7 USCS § 2017(b))
 - Li-Heap (42 USCS § 8624)
 - Family Development Accounts (22 M.R.S. § 3762)
 - Americorp VISTA program benefits (42 USCS § 5044 (f))
 - Property tax rebates issued under the Maine Residents Property Tax Program (AKA “Circuitbreaker” Program) (36 M.R.S.A. § 6216)
 - Aspire Support Service Payments (10-144 CMR Chapter 323)

Initial Applicants. A person who has not applied for assistance in this or any other municipality are considered initial applicants.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing (22 M.R.S.A. § § 4301(8), 4316-A (5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property

damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 MRSA § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's General Assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in section 6.8 of this ordinance or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (*see 22 MRSA §4316-A*) misconduct shall have the same meaning as misconduct defined in 26 MRSA §1043 (23). (*See Appendix I of this ordinance for the official definition of misconduct.*) Generally, employees are guilty of misconduct when the employee violates his or her duties or obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Municipality. Any city, town or plantation administering a General Assistance program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application (22 M.R.S.A. § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the

individual's family are less than the maximum levels of assistance (22 M.R.S.A. §§ 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the General Assistance program (22 M.R.S.A. §§ 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided, however, in no event shall this period extend beyond one month (22 M.R.S.A. § 4309(1)).

Pooling of Income. "Pooling of income," means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real Estate. Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S.A. § 4301(13)).

Recipient. A person who has applied for and is currently receiving General Assistance.

Repeat Applicants. All applicants for General Assistance that are not initial applicants are repeat applicants. For purposes of this ordinance repeat and subsequent shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the

municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S.A. § 4307).

Resources. Resources include any program, service, or other sources of support, which are an alternative to or supplement for General Assistance. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual (22 M.R.S.A. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the GA administrator, a necessary minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The municipal GA administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities. Although GA applicants/recipients may be informed of the existence of a charitable resource

and/or organization, GA eligibility shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unforeseen Repeat Applicants. Are repeat applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source and who have unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need as established by section 6.6 of the ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are those obligations the municipal administrator places on applicants for General Assistance as directed and/or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for General Assistance when complied with, result in ineligibility when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III

Administrative Rules and Regulations

The following are rules and regulations for the administration of General Assistance.

Section 3.1—Confidentiality of Information

Case records and all other information relating to an applicant or recipient of General Assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released (22 M.R.S.A. § 4306).

Release of Information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his or her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

Information from Other Sources; Penalty. Information furnished to the municipality by the Department of Health and Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The General Assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706).

Any representative of a financial institution (except national banks) or any employer of a General Assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a

material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S.A. § 42(2)).

Section 3.2—Maintenance of Records

The General Assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:

- a) provide a valid basis of accounting for municipal expenditures;
- b) document and support decisions concerning an applicant or recipient; and
- c) ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the General Assistance administrator.

Case Records. The administrator will establish and maintain a separate case record, in either paper format or digital format for each applicant or recipient. Each case record will include at least:

- | | |
|---------------------------------|----------------------------------|
| • household applications | deficit or unmet need, |
| • budget sheets | whichever is less) |
| • information concerning the | • written decisions |
| types and amounts of | • requests for fair hearings and |
| assistance provided | the fair hearing authority |
| • narrative statements | decisions |
| describing the nature of the | • workfare participation records |
| emergency situation | • repayments to the |
| whenever General Assistance | municipality |
| is granted in amounts greater | • narrative writings |
| than the applicant's | documenting the need for |
| mathematical eligibility (i.e., | General Assistance, the |

- results of home visits,
 - collateral information,
 - referrals, changes in status
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information
- adjustments in aid, and suspension or termination of eligibility
- physician's documentation
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms
- vendor forms

Case records will not include information or material that is either irrelevant to the applicant's or recipient's application or the administrator's decisions.

Retention of Records. General Assistance records shall be retained for a minimum of three full years. The three year period shall coincide with the State's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by one of the two preferred methods of destruction for confidential records, i.e., supervised shredding, burning or appropriate digital deletion/destruction process. In the event a client's records contain SSI reimbursement forms, the client's records should be maintained so that the municipality may seek reimbursement.

ARTICLE IV

Application Procedure

Section 4.1—Right to Apply

Who May Apply. Anyone may apply for General Assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in section 4.9 of this ordinance or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for General Assistance (22 M.R.S.A. §4304(3)). In such cases, the administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for General Assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. § § 4305, 4308). With notice, all members of the household receiving General Assistance may be required to physically present themselves to the administrator.

Application Via Telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail and visiting the applicant's home with his or her permission (22 M.R.S.A. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for General Assistance each time a person applies (22 M.R.S.A. § § 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the General Assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the DHHS toll-free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator or his or her designee will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the General Assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Section 4.3—Contents of the Application

At a minimum, the application will contain the following mandatory information:

- | | |
|--|---|
| a) applicant's name, address, date of birth, Social Security number or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number; | household members for whom the applicant is seeking assistance; |
| b) names, date(s) of birth, and Social Security number(s) or appropriate USCIS documentation of other | c) total number of individuals living with the applicant; |
| | d) employment and employability information; |

- e) all household income, resources, assets, and property;
- f) household expenses;
- g) types of assistance being requested;
- h) penalty for false representation;
- i) applicant's permission to verify information;
- j) signature of applicant and date.

In the event an initial applicant is unable to provide identification records (e.g., Social Security card/number) because the record may have been lost, stolen or misplaced, the initial applicant may be provided a reasonable amount of time, e.g., five working days, in order to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA required to cure an immediate and/or emergency need shall not be withheld. In such cases, the municipality may elect to provide only a prorated amount of GA, e.g., five day's worth, while the applicant proceeds to obtain the required information.

Section 4.4—General Assistance Administrator's Responsibilities at the Time of the Application

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving General Assistance, including application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.

Eligibility Requirements. The administrator will inform, either verbally or in writing, the applicant of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the financial reduction in assistance that is the consequence of spending household income on non-basic necessities; and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The administrator will inform all applicants of their rights to:

- review the municipal General Assistance ordinance and Maine General Assistance law;
- apply for assistance;
- receive a written decision concerning eligibility within 24 hours of applying for assistance;
- confidentiality;
- contact the DHHS;
- challenge the administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The administrator will inform the applicant that he/she must reimburse the municipality for the amount of General Assistance he/she has been granted in the event of a subsequent ability to pay. The municipality may also, as appropriate, contact the client's legal representative to inform him or her of the client's obligation to repay the municipality under the GA program. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for

the applicant's support (spouses, parents of persons under the age of 25, see Article VIII, "Recovery of Expenses") (22 M.R.S.A. § § 4318, 4319). Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "interim assistance agreement" lien, as these liens are described in Article VIII, "Recovery of Expenses".

Section 4.5—Responsibilities of the Applicant at the Time of Application

The applicant has the responsibility at the time of each application to provide accurate, complete and current household information and verifiable documentation concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility (22 M.R.S.A. §4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

- c) has made use of all available and potential resources when directed in writing to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the administrator, in order to diminish the applicant's need for General Assistance (22 M.R.S.A. § §4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The General Assistance administrator will give a written decision to the applicant concerning his or her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to section 5.6 of this ordinance) to issue assistance conditionally on the successful completion of a workfare assignment (22 M.R.S.A. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

Content. The written decision will contain the following information:

- a) the type and amount of aid the applicant is being granted or the applicant's ineligibility;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the decision;
- d) the applicant's right to a fair hearing; and

- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally (22 M.R.S.A. § 4321).

Section 4.7—Withdrawal of an Application

An application is considered withdrawn if:

- a) the applicant requests in writing that his or her application be withdrawn; or
- b) the applicant refuses to complete or sign the application or any other form needed by the General Assistance administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the General Assistance administrator may temporarily refuse to accept applications. Such circumstances may include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
- b) If the administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, or if such behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, then the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;

- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

Section 4.9—Emergencies

An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S.A. § 4301(4)). Although they may be considered otherwise ineligible to receive General Assistance, persons who apply for assistance to alleviate an emergency may be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency (22 M.R.S.A. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the client or the municipality.

Disqualification. A person who is currently disqualified from receiving General Assistance due to a violation of sections 5.5, 5.6, 5.7, 5.8 or 6.4 of this ordinance is ineligible to receive emergency assistance (22 M.R.S.A. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as: 1) a dependent minor child; 2) an elderly, ill or disabled person; or 3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.

Assistance Prior to Verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S.A. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator shall accept an application over the telephone (22 M.R.S.A. § 4304).

The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his or her home or by mail and the administrator cannot determine his or her eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive General Assistance to replace the misspent money (22 MRSA § § 4308(2) & 4315-A).

All applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert

the emergency situation. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total General Assistance actually received during the applicable time period.
- e) The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

- f) The administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for General Assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with General Assistance law.

Section 4.10—Residence

The administrator shall provide General Assistance to all eligible persons applying for assistance who are residents of this municipality. A resident is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or

hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S.A. § 4307 and §4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution (22 M.R.S.A. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions (*-above*) if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: Municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to 6 months and may be subject to other penalties (22 M.R.S.A. § 4307(4)).

Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility the administrator will notify the DHHS in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S.A. § § 4307(5), 4307(6)).

ARTICLE V

Eligibility Factors

A person will be eligible for General Assistance if he/she is in need and has complied with the eligibility requirements set forth below.

Section 5.1—Initial Application

Initial Application. For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 1043 (23)) (*see section 5.5 of this ordinance*). An initial applicant is a person who has never before applied for General Assistance in any municipality in Maine (22 M.R.S.A. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in section 6.8 of this ordinance or the applicant’s 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Subsequent Applicants. Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for General Assistance at any time in the past. Repeat applicants are also people on whose behalf a General Assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be eligible for General Assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify a person from receiving General Assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. § 2017 (b)).

In addition, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs (42 U.S.C. §8624(f)). The calculation of General Assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under “Types of Income” at section 6.7 of this ordinance.

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the General Assistance administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S.A. § 4317).

Section 5.3—Personal Property

- a) **Liquid Assets.** No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for General Assistance unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them.

At the discretion of the GA administrator, liquid assets do not mean a reasonable minimum balance necessary for obtaining free checking. Although one checking

account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

- b) **Tangible Assets.** No person owning or possessing personal property, such as but not limited to: a motor vehicle, or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household, will be eligible for General Assistance. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Section 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful.

Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

- c) **Automobile Ownership.** Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation or training facilities, or for any other reason the GA administrator determines reasonable for the maintenance of the applicant's household. Recipients of General Assistance who own an automobile with a market value greater than \$8000 may be required, with written, 7-day notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8000. Any income received by the applicant by virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification (22 M.R.S.A. § 4317).

The municipality will neither pay nor consider as necessary any car payment or vehicle maintenance cost including insurance for which the applicant is responsible. However, provided the vehicle value is \$8000 or less and the applicant is utilizing the vehicle for any of the above-mentioned "essential"

reasons, the municipality in its discretion may choose to not consider reasonable car payments, reasonable car insurance and reasonable associated costs of maintenance as “misspent” income. General Assistance for travel-related needs shall be computed in accordance with section 6.8(F) (7), (8) “Work Related/Travel Expenses.”

- d) **Insurance.** Insurance that is available to an applicant on a non-contributory basis or that is required as a condition of employment will not be a factor in determining eligibility for General Assistance. Life insurance with a cash surrender value may, at the discretion of the GA administrator, be considered as a tangible asset.
- e) **Transfer of Property.** Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for General Assistance will not be granted General Assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset, which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his or her assets in order to be eligible for General Assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for General Assistance unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

- a) **Principal Residence.** For purposes of General Assistance solely, the applicant’s principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness or disaster, provided there is demonstrated an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, then that land may be considered a potential resource if:

1. The applicant has received General Assistance for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If the above conditions are met, then the administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support and therefore not all the land need be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance, the obligations under this section shall also cease.

b) **Other Property.** If the applicant or dependents own real property other than that occupied as the principal residence, continued eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property, which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for General Assistance will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property.

The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient (*see also section 6.8 of this ordinance*) (22 M.R.S.A. § 4320).

Section 5.5—Work Requirement

All General Assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and members of their households who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for

work during normal business hours prevailing in the area, and show that no circumstance exists, which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of employment" means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places

repeatedly will not be considered to be performing a diligent worksearch and will be disqualified;

- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see section 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see Appendix I, 26 M.R.S.A. § 1043 (23) for the definition*) will be eligible to receive General Assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability, which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piecework standards;

- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary child care or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.A. § 4316-A (5)).

Applicant's Burden of Establishing Just Cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. § § 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in section 5.6 of this ordinance, under "Eligibility Regained".

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and

- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309(3)).

In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated as though the household is composed of the dependents only, except that all household income will be considered as available to them.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Labor.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient

in securing employment. The work requirement provisions found in section 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of General Assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 MRSA § 4318 individuals owing the municipality funds for General Assistance provided to them are obligated to repay the municipality when and if they become able (*see Article VIII*). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations (22 M.R.S.A. § 4316-A (3)).

- 1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net General Assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net General Assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.

- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the Department of Labor.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309).

If the administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The administrator will not require

verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving General Assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for General Assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving General Assistance in accordance with the following “workfare first” policy.

“Workfare First” Policy. Under the authority of 22 M.R.S.A. § 4316-A(2)(D), the administrator may, in accordance with the following guidelines, require a recipient of General Assistance to perform a workfare assignment prior to the actual issuance of the General Assistance benefit conditionally granted.

- 1) In no circumstance will emergency General Assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for General Assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:
 - a) a specific description of the amount of General Assistance being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the General Assistance grant is being issued (in days or weeks, but not to exceed 30 days);

- c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the General Assistance grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of General Assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued General Assistance grant shall be terminated, and notice of the partial termination, and the reasons therefore, will be issued to the workfare participant in accordance with section 6.10 of this ordinance.
- 5) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just

cause reasons shall be reassigned or excused at the discretion of the GA administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net General Assistance to be provided to the person (22 M.R.S.A. § 4316.2(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S.A. § 4316-A (1)). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see section. 5.5, "Dependents"*).

If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment, which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible.

If under such a set of circumstances, the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of such emergency assistance will not bar the administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

Recipients who have asked for the opportunity to regain their eligibility during a 120 day disqualification period and who agreed to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but will be provided no opportunity to requalify.

Any recipient, who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS (22 M.R.S.A. § 4316-A (2)).

Section 5.7—Use of Resources

Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource that may reduce his or her need for General Assistance (*see section 2.2 for definition of “Resources”*). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S.A. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for General Assistance and who is pregnant or has a dependent child or children will be eligible to receive General Assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of the both parents are unknown; or
- 3) no parent will permit the minor to live in the parent’s home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor’s dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility (22 M.R.S.A. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for General Assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality (22 M.R.S.A. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for General Assistance by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the administrator may find the applicant not to be in need of General Assistance for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services, which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize or obtain the resources. General Assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive General Assistance to replace the forfeited benefits. To the extent, the forfeited benefits can be considered income under General Assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided not in the form of income but, rather, in the form of a specific, regularly issued resource of a calculable value, that resource, up to its forfeited value, need not be replaced with General Assistance for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S.A. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her assistance terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S.A. § § 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see sections 5.5, 5.6*). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. People who commit fraud are disqualified from receiving assistance for a period of 120 days (*see section 6.4, "Fraud"*). The administrator shall give recipients written notice that they are ineligible as soon as the administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

ARTICLE VI

Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for General Assistance. The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

Section 6.3—Verification

Eligibility of applicant; duration of eligibility. The overseer shall determine eligibility each time a person applies or reapplies for General Assistance. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's responsibilities. Applicants and recipients for General Assistance are responsible for providing to the overseer all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the overseer. When information required by the overseer is unavailable, the overseer must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. A person who has not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants are still responsible for providing the GA administrator with reasonably obtainable documentation adequate

to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e. job quit).

Repeat Applicants. All applicants for General Assistance that are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted, as required by the GA administrator.

Repeat applicants are also responsible for providing any changes of information reported on previous applications including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Overseer's responsibilities. In order to determine an applicant's eligibility for General Assistance, the overseer first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the overseer is

responsible for determining eligibility. The overseer will seek verification necessary to determine eligibility. In order to determine eligibility, the overseer may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the overseer may examine public records without the applicant's knowledge and consent.

Appropriate sources, which the overseers may contact, include, but are not limited to:

- DHHS and any other department/agency of the state or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply the overseer with necessary information, documentation, or permission to make collateral contacts, or if the overseer cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of eligibility. The overseer may redetermine a person's eligibility at any time during the period that person is receiving assistance if the overseer is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient with the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100, which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive General Assistance or cause someone else to receive General Assistance (22 M.R.S.A. § 4315). False representation shall consist of any individual knowingly and willfully:

- a) making a false statement to the General Assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) concealing information from the General Assistance administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) using General Assistance benefits for a purpose other than that for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the General Assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making

himself or herself eligible for General Assistance, the administrator shall notify that applicant in writing that he or she has been disqualified from receiving assistance for 120 days. For the purpose of this section, a material misrepresentation is a false statement about eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the administrator shall inform the applicant of his or her right to appeal the administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be

calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.

Section 6.5—Period of Eligibility

The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S.A. § 4309). Upon receiving a completed and signed application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency the administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse General Assistance for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application (22 M.R.S.A. § 4301(7)). The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in section 6.8, whichever is less. The sum of these

expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (22 M.R.S.A. § 4308(2)) (*see section 4.9 of this ordinance*).

Applicants will also not be considered in need of General Assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of section 6.8 (22 M.R.S.A. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity (*see Appendixes A-H of this ordinance*) shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services, which are not basic necessities, will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need

assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The administrator may require that anyone applying for General Assistance provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts, which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the GA administrator for “unforeseen” repeat applicants (*See Section 6.3 of this ordinance*), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of nonelective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt.

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income (22 M.R.S.A. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
- 2) The administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency General Assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of section 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see section 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in section 6.8 of this ordinance for specific basic necessities except in an emergency or when the administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total General Assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in section 6.8 shall not be eligible for General Assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

Calculation of Income. To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in section 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded (22 M.R.S.A. § 4308) (*see section 4.9 of this ordinance*). To calculate weekly income and expenses, the administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will be deducted from an applicant's income (22 M.R.S.A. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of General Assistance the applicant is eligible to receive. Although applicants may have only a limited or reduced need for General Assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 USCS § 5044 (f))
- Property tax rebates issued under the Maine Residents Property Tax Program (so-called “Circuitbreaker” program) (36 M.R.S.A. § 6216)

- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The General Assistance administrator will refer cases where support payments are not actually received to the State Department of Health and Human Services’ Child Support Enforcement Unit. In order to be eligible for future GA, applicants being referred to DHHS for such enforcement services shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.
- d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301(7)).
- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.
- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool

or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for General Assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S.A. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior to the date of application for General Assistance will be considered as income available to the household. However, verified required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the

lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior to the date of application for General Assistance, the administrator will assess the need for prorating an applicant's eligibility for General Assistance according to the following criteria (22 M.R.S.A. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the General Assistance program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S.A. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for General Assistance; and
- 5) divide the sum created in subsection (4) by the greater of the verified actual monthly amounts for all of the household's basic necessities or 150% of the applicable federal poverty guidelines. 22 M.R.S.A. § 4305(3-B)

This dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 MRSA § 4308)

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. An applicant's eligibility for General Assistance will be first determined by subtracting his or her income from the overall maximum level of assistance. The difference yielded by this calculation shall be the applicant's deficit. Applicants will be eligible for General Assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for General Assistance unless they are in an emergency, in which case eligibility for emergency General Assistance will be determined according to section 4.9 of this ordinance. The maximum levels of assistance are defined as 110% of the HUD averaged rates for metropolitan areas, as distributed by HUD. These levels are contained in Appendix A.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that

there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases, either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense, which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with General Assistance; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

A) **Food**. The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine Department of Health and Human Services. In determining need for food, the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S.A. § 4301.7(A); 7

U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products. The maximum levels for food are contained in Appendix B.

The administrator will exceed the maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the Ordinance maximums.

- B) **Housing**. The administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. The maximum amounts allowed for housing are contained in Appendix C. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contain more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Any landlord wishing to receive rental payments from the City of Waterville on behalf of any applicant must comply with all state and local licensing and land use codes. The City reserves the right to inspect any rental unit whenever an applicant applies for assistance with rent. These inspections are to determine whether that unit complies with the City's housing and land use codes. The Administrator is authorized to promulgate policies detailing such inspection requirements. The City requires that an inspection be completed before authorizing rent for applicants in order to ensure that decent and safe housing is being provided.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children (22 M.R.S.A. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum (22 M.R.S.A. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see section 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the Department of Health and Human Services, Division of Health Engineering, pursuant to 10-144A Code of Maine Regulations, Chapter 201, as a condition of that landlord receiving future General Assistance payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the General Assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset, which may be substituted for the assistance the municipality would otherwise be required to provide.

The administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for General Assistance if after reviewing the above criteria the administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S.A. § 4320). No lien may be

enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for General Assistance if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the General Assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.S.R.A. § 841(2)) and General Assistance. If the applicant chooses to seek property tax assistance through General Assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using General Assistance to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property, which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Resident Property Tax Program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived from either a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values when they are made available, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Appendix C of this ordinance for the current housing maximums.

If and when the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of

housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

- C) **Utilities**. Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases.

The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision.

Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive General Assistance to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308(2)) (*see section 4.9 and 6.3*).

The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Appendix D of this ordinance for the current electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Appendix D of this ordinance for the current electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance.

See Appendix E of this ordinance for the current fuel maximums.

- E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish

detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Appendix F of this ordinance for the current personal care and household supplies maximums.

F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the General Assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the General Assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program that will diminish his or her need to seek General Assistance for

medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue General Assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing General Assistance for any medical expenses, the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense, the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22

M.R.S.A. § 396-F(1). Anyone who is not eligible for the hospital's free care program may apply for General Assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 6.6 of this ordinance.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue General Assistance for dental services at the established Medicaid rates for those services, and before authorizing the General Assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

- 5) **Eye Care.** In order to be eligible to receive General Assistance for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The General Assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or job related reasons exist and/or for any other reasons the administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum (*see Appendix G for the current maximum mileage allotment*). The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel, which is not work-related, will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see section 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Appendix H for the current maximums.
- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant General Assistance for capital improvements when:
- 1) the failure to do so would place the applicant(s) in emergency circumstances;
 - 2) there are no other resources available to effect the capital repair; and
 - 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when General Assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of 3 business days following the funeral director's receipt of the body, whichever is earlier (22 M.R.S.A. §4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing General Assistance for burial or cremation purposes, an application for assistance shall be completed by the administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 4.10 of this ordinance.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for General Assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for General Assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or

cremation of their relatives. For these reasons, all General Assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, siblings, children and grandchildren of the deceased, who live in Maine or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses.

Consideration of the Financial Responsibility of Family Members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial

or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The administrator may take up to 8 days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

Burial Expenses. The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremated. See Appendix H for the maximum levels of assistance granted for the purpose of burials.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator may issue General Assistance for cremation services. See Appendix H for the maximum levels of assistance granted for the purpose of cremations.

Section 6.10—Notice of Decision

Written Decision. The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving a completed and signed application (22 M.R.S.A. § 4305(3)) (*see Article IV, section 4.6*).

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA administrator, the GA administrator may decide to render a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

In order to ensure that applicants understand their rights, it is the responsibility of the General Assistance administrator to explain the applicants’ right to a fair hearing in the written notice of decision.

Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in section 4.6 of this ordinance, the notice will state that applicants:

- a) have the right to a fair hearing and the method by which they may obtain a fair hearing and;
- b) have the right to contact the DHHS if they believe the municipality has violated the law. The decision will state the method for notifying the department.

Disbursement of General Assistance. Except when determined impractical by the administrator, all General Assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General Assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing General Assistance in the form of cash (22 M.R.S.A. § 4305(6)).

ARTICLE VII

The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the General Assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the General Assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the General Assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and

- c) the relief sought by the claimant.

The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the fair hearing authority must meet and hold the hearing within 5 working days. The administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;
- b) confront and cross-examine any witnesses presented at the hearing against the claimant; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The City Council will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with the responsibility of ensuring that General Assistance is administered in accordance with the state law and this ordinance.

The fair hearing authority shall consist of a single person chosen on a rotational basis for each hearing from a three-member panel. The members of the three-member panel will be appointed for two-year terms at the organizational meeting of the City Council.

The person(s) serving on the three-member panel must:

- a) not have participated in the decision, which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case. The claimant shall be permitted to review his or her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

- a) be conducted privately, and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the General Assistance administrator, his or her agents, counsel and witnesses;
- b) be opened with a presentation of the issue by the fair hearing authority;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;

- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs (22 M.R.S.A. § 4322).

Claimant's Failure to Appear. In the event the claimant fails to appear, the FHA will send a written notice to the claimant that the GA administrator's decision was not altered due to the claimant's failure to appear. Furthermore, the notice shall indicate that the claimant has 5 working days from receipt of the notice to submit to the GA administrator information demonstrating "just cause," for failing to appear.

For the purposes of a claimant's failure to appear at a fair hearing, examples of "just cause" include:

- a) a death or serious illness in the family;
- b) a personal illness, which reasonably prevents the party from attending the hearing;

- c) an emergency or unforeseen event, which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or their attorney) establishes just cause, the request for the hearing will be reinstated and a hearing rescheduled.

In the event a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The decision of the fair hearing authority will be binding on the General Assistance administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain the following:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or General Assistance ordinance related to the decision; and
- d) the decision and the reasons for it.

A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the General Assistance administrator.

The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the fair hearing authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person either from the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient, at a rate not less than minimum wage.

Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for General Assistance (22 M.R.S.A. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien for the value of all General Assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers’ Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any General Assistance on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form, which must be signed by the recipient of General Assistance who has applied for or is receiving Workers’ Compensation. Any General Assistance applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive General Assistance until he or she provides the required

signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive General Assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the General Assistance granted. Any General Assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive General Assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, grandchildren, children, siblings, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S.A. § 4319).

ARTICLE IX

Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

ARTICLE X

Appendices

For this purpose, the municipality hereby incorporates by reference any updates to Appendices A through I, individually or collectively, as distributed by the Maine Department of Health and Human Services.

Appendix A – GA Overall Maximums

Appendix B – Food Maximums

Appendix C – GA Housing Maximums

Appendix D – Electric Utility Maximums

Appendix E – Heating Fuel

Appendix F – Household & Personal Items

Appendix G – Mileage Rate

Appendix H – Funeral Maximums

Appendix I – Definition of Misconduct (26 MRSA § 1043(23))

A blue, stylized stamp with the word "APPROVED" in all caps, with a slight shadow effect.

Waterville City Council

Effective: February 3, 2007
(Ordinance 22-2006)

As Amended: August 6, 2013
(Ordinance 141-2013)

Appendices updated annually.

2018-2019 GA Overall Maximums

Metropolitan Areas

| COUNTY | Persons in Household | | | | |
|---|----------------------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5* |
| Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie | 733 | 814 | 1,032 | 1,294 | 1,748 |
| Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville | 693 | 697 | 908 | 1,137 | 1,297 |
| Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales | 669 | 736 | 932 | 1,193 | 1,461 |
| Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach | 1,058 | 1,159 | 1,483 | 1,986 | 2,303 |
| York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York | 989 | 1,039 | 1,382 | 1,749 | 2,433 |
| Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago | 784 | 831 | 1,091 | 1,593 | 1,820 |

Appendix A

Effective: 10/01/18-09/30/19

| COUNTY | 1 | 2 | 3 | 4 | 5* |
|---|-----|-----|-------|-------|-------|
| Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich | 786 | 875 | 1,017 | 1,345 | 1,636 |
| York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells | 766 | 884 | 1,098 | 1,487 | 1,515 |

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

| COUNTY | 1 | 2 | 3 | 4 | 5* |
|---------------------------|-----|-----|-------|-------|-------|
| Aroostook County | 622 | 662 | 773 | 1,016 | 1,112 |
| Franklin County | 650 | 680 | 807 | 1,005 | 1,431 |
| Hancock County | 698 | 798 | 1,009 | 1,274 | 1,397 |
| Kennebec County | 727 | 756 | 944 | 1,241 | 1,326 |
| Knox County | 759 | 765 | 944 | 1,210 | 1,344 |
| Lincoln County | 788 | 845 | 1,004 | 1,259 | 1,503 |
| Oxford County | 694 | 699 | 839 | 1,221 | 1,426 |
| Piscataquis County | 615 | 681 | 843 | 1,115 | 1,238 |
| Somerset County | 679 | 714 | 859 | 1,156 | 1,219 |
| Waldo County | 696 | 761 | 903 | 1,231 | 1,389 |
| Washington County | 679 | 683 | 840 | 1,062 | 1,212 |

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/18 to 09/30/19

2018-2019 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2018, those amounts are:

| Number in Household | Weekly Maximum | Monthly Maximum |
|---------------------|----------------|-----------------|
| 1 | 44.65 | 192 |
| 2 | 82.09 | 353 |
| 3 | 117.44 | 505 |
| 4 | 149.30 | 642 |
| 5 | 177.21 | 762 |
| 6 | 212.56 | 914 |
| 7 | 235.12 | 1,011 |
| 8 | 268.60 | 1,155 |

Note: For each additional person add \$144 per month.

2018-2019 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

| <u>Aroostook County</u> | <u>Unheated</u> | | <u>Heated</u> | |
|--------------------------------|------------------------|---------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 112 | 483 | 131 | 565 |
| 1 | 115 | 496 | 140 | 600 |
| 2 | 133 | 572 | 163 | 700 |
| 3 | 180 | 776 | 217 | 932 |
| 4 | 192 | 826 | 236 | 1,016 |
| | | | | |
| <u>Franklin County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 119 | 511 | 138 | 593 |
| 1 | 120 | 514 | 144 | 618 |
| 2 | 141 | 606 | 171 | 734 |
| 3 | 178 | 765 | 214 | 921 |
| 4 | 266 | 1,145 | 310 | 1,335 |
| | | | | |
| <u>Hancock County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 124 | 535 | 147 | 633 |
| 1 | 140 | 602 | 169 | 726 |
| 2 | 183 | 788 | 215 | 924 |
| 3 | 230 | 988 | 273 | 1,175 |
| 4 | 246 | 1,058 | 299 | 1,285 |
| | | | | |
| <u>Kennebec County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 131 | 564 | 154 | 662 |
| 1 | 131 | 564 | 159 | 684 |
| 2 | 168 | 724 | 200 | 859 |
| 3 | 222 | 955 | 266 | 1,142 |
| 4 | 230 | 987 | 282 | 1,214 |

Non-Metropolitan FMR Areas

| <u>Knox County</u> | <u>Unheated</u> | | <u>Heated</u> | |
|----------------------------------|------------------------|---------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 139 | 596 | 161 | 694 |
| 1 | 139 | 596 | 161 | 694 |
| 2 | 168 | 724 | 200 | 859 |
| 3 | 215 | 924 | 258 | 1,111 |
| 4 | 234 | 1,005 | 287 | 1,232 |
| | | | | |
| <u>Lincoln County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 145 | 625 | 168 | 723 |
| 1 | 151 | 649 | 180 | 773 |
| 2 | 182 | 783 | 214 | 919 |
| 3 | 226 | 973 | 270 | 1,160 |
| 4 | 271 | 1,164 | 323 | 1,391 |
| | | | | |
| <u>Oxford County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 123 | 528 | 146 | 629 |
| 1 | 123 | 528 | 146 | 629 |
| 2 | 140 | 600 | 175 | 754 |
| 3 | 218 | 935 | 261 | 1,122 |
| 4 | 253 | 1,087 | 306 | 1,314 |
| | | | | |
| <u>Piscataquis County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 110 | 474 | 130 | 559 |
| 1 | 119 | 512 | 144 | 619 |
| 2 | 149 | 640 | 179 | 771 |
| 3 | 203 | 871 | 240 | 1,032 |
| 4 | 220 | 946 | 266 | 1,142 |
| | | | | |
| <u>Somerset County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 120 | 517 | 143 | 614 |
| 1 | 121 | 519 | 149 | 642 |
| 2 | 147 | 631 | 180 | 774 |
| 3 | 202 | 870 | 246 | 1,057 |
| 4 | 205 | 880 | 257 | 1,107 |
| | | | | |

Non-Metropolitan FMR Areas

| <u>Waldo County</u> | <u>Unheated</u> | | <u>Heated</u> | |
|---------------------------------|------------------------|---------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 123 | 530 | 147 | 631 |
| 1 | 131 | 565 | 160 | 689 |
| 2 | 159 | 683 | 190 | 818 |
| 3 | 220 | 945 | 263 | 1,132 |
| 4 | 244 | 1,050 | 297 | 1,277 |
| | | | | |
| <u>Washington County</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 119 | 513 | 143 | 614 |
| 1 | 119 | 513 | 143 | 614 |
| 2 | 140 | 601 | 176 | 755 |
| 3 | 181 | 776 | 224 | 963 |
| 4 | 203 | 873 | 256 | 1,100 |
| | | | | |

Metropolitan FMR Areas

| <u>Bangor HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
|-----------------------------------|------------------------|---------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 132 | 567 | 155 | 668 |
| 1 | 144 | 618 | 173 | 742 |
| 2 | 185 | 793 | 220 | 947 |
| 3 | 234 | 1,008 | 278 | 1,195 |
| 4 | 328 | 1,409 | 380 | 1,636 |
| | | | | |
| <u>Penobscot Cty. HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 123 | 527 | 146 | 628 |
| 1 | 123 | 527 | 146 | 628 |
| 2 | 156 | 669 | 191 | 823 |
| 3 | 198 | 851 | 241 | 1,038 |
| 4 | 223 | 958 | 276 | 1,185 |
| | | | | |
| <u>Lewiston/Auburn MSA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 117 | 503 | 140 | 604 |
| 1 | 125 | 540 | 154 | 664 |
| 2 | 165 | 711 | 197 | 847 |
| 3 | 211 | 907 | 254 | 1,094 |
| 4 | 261 | 1,122 | 314 | 1,349 |

Appendix C
Effective: 10/01/18-09/30/19

Metropolitan FMR Areas

| <u>Portland HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
|--|------------------------|---------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 208 | 892 | 231 | 993 |
| 1 | 224 | 963 | 253 | 1,087 |
| 2 | 289 | 1,244 | 325 | 1,398 |
| 3 | 395 | 1,700 | 439 | 1,887 |
| 4 | 457 | 1,964 | 510 | 2,191 |
| | | | | |
| <u>York/Kittery/S. Berwick HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 192 | 824 | 215 | 924 |
| 1 | 196 | 843 | 225 | 967 |
| 2 | 266 | 1,143 | 302 | 1,297 |
| 3 | 340 | 1,463 | 384 | 1,650 |
| 4 | 487 | 2,094 | 540 | 2,321 |
| | | | | |
| <u>Cumberland Cty. HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 144 | 618 | 167 | 719 |
| 1 | 148 | 635 | 177 | 759 |
| 2 | 202 | 868 | 234 | 1,006 |
| 3 | 304 | 1,307 | 347 | 1,494 |
| 4 | 344 | 1,481 | 397 | 1,708 |
| | | | | |
| <u>Sagadahoc Cty. HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 145 | 623 | 168 | 721 |
| 1 | 158 | 679 | 187 | 803 |
| 2 | 185 | 795 | 217 | 932 |
| 3 | 246 | 1,059 | 290 | 1,246 |
| 4 | 302 | 1,297 | 354 | 1,524 |
| | | | | |
| <u>York Cty. HMFA</u> | <u>Unheated</u> | | <u>Heated</u> | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly |
| 0 | 140 | 600 | 163 | 701 |
| 1 | 160 | 688 | 189 | 812 |
| 2 | 203 | 875 | 236 | 1,013 |
| 3 | 274 | 1,201 | 323 | 1,388 |
| 4 | 274 | 1,201 | 326 | 1,403 |

2018-2019 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2018 to September 30, 2019.**

APPENDIX A - OVERALL MAXIMUMS

| <u>County</u> | <u>Persons in Household</u> | | | | | |
|---------------|-----------------------------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| | 727 | 756 | 944 | 1241 | 1326 | 1401 |

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

| <u>Number in Household</u> | <u>Weekly Maximum</u> | <u>Monthly Maximum</u> |
|----------------------------|-----------------------|------------------------|
| 1 | 44.65 | 192 |
| 2 | 82.09 | 353 |
| 3 | 117.44 | 505 |
| 4 | 149.30 | 642 |
| 5 | 177.21 | 762 |
| 6 | 212.56 | 914 |
| 7 | 235.12 | 1,011 |
| 8 | 268.60 | 1,155 |

NOTE: For each additional person add \$144 per month.

APPENDIX C - HOUSING MAXIMUMS

| <u>Number of Bedrooms</u> | <u>Unheated</u> | | <u>Heated</u> | |
|---------------------------|-----------------|----------------|---------------|----------------|
| | <u>Weekly</u> | <u>Monthly</u> | <u>Weekly</u> | <u>Monthly</u> |
| 0 | 131 | 564 | 154 | 662 |
| 1 | 131 | 564 | 159 | 684 |
| 2 | 168 | 724 | 200 | 859 |
| 3 | 222 | 955 | 266 | 1142 |
| 4 | 230 | 987 | 282 | 1214 |

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without* Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$14.00 | \$60.00 |
| 2 | \$15.70 | \$67.50 |
| 3 | \$17.45 | \$75.00 |
| 4 | \$19.90 | \$86.00 |
| 5 | \$23.10 | \$99.00 |
| 6 | \$25.00 | \$107.00 |

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With* Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$20.65 | \$89.00 |
| 2 | \$23.75 | \$102.00 |
| 3 | \$27.70 | \$119.00 |
| 4 | \$32.25 | \$139.00 |
| 5 | \$38.75 | \$167.00 |
| 6 | \$41.00 | \$176.00 |

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

| <u>Month</u> | <u>Gallons</u> | <u>Month</u> | <u>Gallons</u> |
|--------------|----------------|--------------|----------------|
| September | 50 | January | 225 |
| October | 100 | February | 225 |
| November | 200 | March | 125 |
| December | 200 | April | 125 |
| | | May | 50 |

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

| <u>Number in Household</u> | <u>Weekly Amount</u> | <u>Monthly Amount</u> |
|-----------------------------------|-----------------------------|------------------------------|
| 1-2 | \$10.50 | \$45.00 |
| 3-4 | \$11.60 | \$50.00 |
| 5-6 | \$12.80 | \$55.00 |
| 7-8 | \$14.00 | \$60.00 |

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

| <u>Number of Children</u> | <u>Weekly Amount</u> | <u>Monthly Amount</u> |
|----------------------------------|-----------------------------|------------------------------|
| 1 | \$12.80 | \$55.00 |
| 2 | \$17.40 | \$75.00 |
| 3 | \$23.30 | \$100.00 |
| 4 | \$27.90 | \$120.00 |

FOR MUNICIPAL USE ONLY

APPENDIX G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,125**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$785**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$50
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

26 MRSA §1043 (23)

Misconduct. “Misconduct” means a culpable breach of the employee’s duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee’s entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (rpr).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute “misconduct” as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee’s eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee’s qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

Appendix I

[1999, c. 464, §2 (new).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[1999, c. 464, §2 (new).]



THE HAINES CHARITY ORDINANCE

As amended October 16, 2012
(Effective: November 30, 2012)

Introduction and Purpose

The Haines Charity Fund came into existence with the passing of Mr. William T. Haines and his wife. Mr. Haines provided for the establishment of this Fund in his will as follows:

"From and immediately after the death of my said wife, I give and bequeath to the City of Waterville, Kennebec County, Maine, the sum of One Hundred Thousand Dollars, to hold in trust, however, for the following trusts:

- (a) Said fund shall be known as "The Haines Charity".
- (b) Said fund shall be kept invested in such securities as the Savings Banks of Maine are authorized to invest in, and in no others.
- (c) Said fund is to be administered by the Municipal Officers of said Waterville, but not by the Overseers of the Poor, as such, and not by the Poor Department of said City.
- (d) The income from said fund is to be used annually for the relief of such poor, destitute and unfortunate women and children as are not paupers but are in need of financial assistance. My suggestion is that such relief from this fund be granted on recommendation of the Associated Charities of said Waterville or on recommendation of The Woman's Association of said City, or on recommendation of both, provided the same are in existence at the time."

Fund Administration

A Committee, known as the Haines Charity Committee, of three (3) citizens shall be appointed by the Mayor, and confirmed by the Council, for three (3) year terms, to review all requests for assistance.

The Committee shall meet as required after notice from the City's Health and Welfare Director (Director). The Committee may, from time to time, establish guidelines for the distribution of Fund monies provided said decisions are substantially in keeping with the terms of the Trust and not in conflict with State/Federal laws.

The Health and Welfare Director shall be the person responsible for ensuring that requests for assistance are processed in a timely manner. The Director will also work with the Committee to review such requests and ensure that decisions made (approvals or denials) are recorded and kept in a confidential manner as with other General Assistance matters.

It will be the responsibility of the Waterville City Council to determine, on an annual basis, the maximum monthly expenditure allowed from the earnings of this Fund. Until otherwise stated by the Council, said maximum shall be \$1,500/month.

Pursuant to the approval of Resolution No. 138-2011, the City Council authorized the creation of a fund for meeting the basic needs (food, clothing, shelter) of women and children at the Mid Maine Homeless Shelter. It was agreed to set aside a \$250,000 reserve to be used as follows:

1. The Shelter Director will submit quarterly requests for reimbursement on an invoice form prepared by the City. This invoice will specify how many women and children had been assisted during the prior three (3) months. Charges could include a per person cost including food and shelter and any additional costs related to meeting basic needs for women and children clients who are not receiving General Assistance from the City of Waterville.
2. Such requests will be reviewed and approved by the Haines Charity Committee and forwarded to the City for payment. While there will not be a limit for quarterly payments, there will be a \$15,000 per year total limit for withdrawals from the Fund.
3. The account will be maintained by the City for the purpose stated above until such time as all funds (\$250,000) have been depleted. The City's Haines Trust Fund will be managed as it is now except that the income earned on the \$250,000 will be separated out and credited to this account.

Fund Investment

Investments of Fund proceeds are the responsibility of the City's Finance Director. The Finance Director shall ensure that said Funds are segregated from other City funds in a manner so as to be able to clearly identify income earned.

As with other City investments, the Finance Director shall ensure that the first priority with investment of Haines Charity Funds is the protection of the principal.

Annual Reporting

The Finance Director shall report to the City Council on an annual basis regarding income earned from the Fund and expenditures approved. Reporting of Fund disbursements can be in a summary basis without disclosure of the identity of the recipients.

A blue, stylized stamp with the word "APPROVED" in all capital letters, with a slight shadow effect.

Waterville City Council
Effective: March 23, 2007
(Ordinance 1-2007)

*As Amended October 16, 2012
(Ordinance 196-2012)*



ORDINANCE REGULATING LICENSES AND PERMITS

As amended: 2/6/2018
(Effective: February 28, 2018)

Art. I. In General

- Sec. 1-1. License Fees (see Appendix A)
- Sec. 1-2. Issuance of Licenses/Permits
- Sec. 1-3. Transfer of Licenses/Permits
- Sec. 1-4. Delegation of Issuance of Licenses/Permits
- Sec. 1-5. General

Art. II. Pawnbrokers

- Sec. 2-1. License Required
- Sec. 2-2. Application Requirements
- Sec. 2-3. Issuance of License
- Sec. 2-4. Revocation/Suspension
- Sec. 2-5. Regulations
- Sec. 2-6. Records, Articles Purchased Subject to Inspection
- Sec. 2-7. Daily Report Required
- Sec. 2-8. Purchases From Minors Prohibited

Art. III. Canvassing and Solicitation

- Sec. 3-1. Purposes
- Sec. 3-2. Permit Required
- Sec. 3-3. Definitions
- Sec. 3-4. Issuance of Permit for Solicitation for Charitable/Non-Profit Purposes
- Sec. 3-5. Issuance of Permits for Soliciting or Canvassing For Profit
- Sec. 3-6. Transient Sellers
- Sec. 3-7. Denial or Revocation
- Sec. 3-8. Appeals
- Sec. 3-9. Limitation and Restrictions
- Sec. 3-10. Special Events

Art. IV. Mobile or Temporary Food Vendors

- Sec. 4-1. License Requirements
- Sec. 4-2. Limitations and Regulations
- Sec. 4-3. Revocation of License

Art. V. Special Amusement Permit

- Sec. 5-1. Purpose
- Sec. 5-2. Definitions

Sec. 5-3. Application and Permit Requirements

Sec. 5-4. Conduct Prohibited

Sec. 5-5. Inspections

Sec. 5-6. Suspension or Revocation of a Permit

Sec. 5-7. Rules and Regulations

Sec. 5-8. Permit and Appeal Procedures

Art. VI. Bottle Clubs

Sec. 6.1. License Required

Sec. 6-2. Definitions

Sec. 6-3. Fees

Sec. 6-4. Application and Information

Sec. 6-5. Investigation of Applicant

Sec. 6-6. Notice of Hearing

Sec. 6-7. License Non-Transferable

Sec. 6-8. Display of License

Sec. 6-9. Expiration

Sec. 6-10. Suspension or Revocation

Sec. 6-11. Appeals

Sec. 6-12. Hours of Bottle Club

Art. VII. Concealed Weapon Permit

Sec. 7-1. Application and Fee

Art. VIII. Vehicles for Hire

Sec. 8-1. Definition

Sec. 8-2. License Required

Sec. 8-3. Issuance of Owner's and Operator's License

Sec. 8-4. Renewal and Revocation of Owner's or Operator's Licenses

Sec. 8-5. Identification Tag, Guidelines

Sec. 8-6. Revocation

Sec. 8-7. Number of Passengers Permitted

Art. IX. Outdoor Dining

Art. X. Liquor Catering

Art. XI. Junkyards

Art. XII. Closing Out Sale

Art. XIII. Theaters

Art. XIV. Violations

ARTICLE I. IN GENERAL

Sec. 1-1. License fees.

All license/permit fees shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

Sec. 1-2. Issuance of licenses/permits.

All licenses or permits required by this Ordinance shall be granted by the City Council after applicant pays the required license or permit fee, files an application with the City Clerk, and meets all requirements of state law and local ordinance. However, no license or permit required by this Code for any business conducted in a building, except home occupations, shall be granted or renewed until written confirmation is received from the Fire Chief or his designee that all requirements of the Life Safety Code have been met. The applicant must apply in time to allow time for inspections of the building by the Fire Department, or Code Enforcement Officer, if required.

Sec. 1-3. Transfer of existing licenses by City Clerk.

Section 1-1 of this ordinance provides in part for the issuance of licenses to resident caterers, innkeepers and victualers. Licenses issued for these operations require that a specific location address appear on the license as issued. When the holder of a validly issued license moves from one location address to a different location address, the City Clerk may issue a new license denoting the change in address of location, provided there has been approval by the Fire Chief or his designee as set forth in section 1-2 of this ordinance. The new license shall expire on the original expiration date of the previously issued license.

Sec. 1-4. Delegation of Issuance of Licenses/Permits

The City Council may, on an annual basis, delegate the issuance of any licenses/permits provided for in this ordinance to the City Clerk.

Sec. 1-5. General

(a) Expiration Date

Unless otherwise noted in this ordinance or State Statute, the expiration date of licenses will be May 31st of each year.

(b) License Fee

The current fee schedule is detailed in Appendix A. There is no provision for proration of license fees for the initial license year or if an establishment closes its business before the license expiration date.

ARTICLE II. PAWNBROKERS & SECOND HAND DEALERS

Sec. 2-1. License required.

No person shall, within the limits of the City keep any shop or place for the pawn, purchase, sale or barter of secondhand articles, or be a dealer therein, unless licensed in accordance with this section.

Sec. 2-2. Application requirements.

- (a) The City Council shall grant a license if the applicant has chosen a location which complies with all municipal zoning ordinances, has not been convicted of a crime arising out of sales of items covered in this Article, has not violated state law governing pawnbrokers or secondhand dealers, and has filed an application with the City Clerk with the following information:
 - (1) Name of licensee;
 - (2) Proposed place of business;
 - (3) Hours of operation;
 - (4) Manner of operation;
- (b) Any person who conducts a sale of used items from a residence more frequently than the single garage sale excluded from the regulation under this Article shall be deemed to be a secondhand dealer and must comply with all the requirements of this section.

Sec. 2-3. Issuance of license.

All licenses under this division shall be over the signature of the City Clerk, and the fee for making and issuing the same shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance. Such license shall continue in force for one year from its date, unless sooner revoked by the City Council; and shall be recorded and properly indexed by the City Clerk. Unless otherwise specified, licenses are required to be renewed annually.

Sec. 2-4. Revocation/suspension.

The City Council may revoke or suspend a license under this Article if the licensee violates any conditions of the permit, violates any ordinance or statute governing the operation of pawnbrokers, or makes a material misstatement in the application. Except in emergency situations, the City Council must allow the licensee an opportunity to be heard before revocation of the license. Licensee must be notified a minimum of three (3) days prior to such hearing in writing stating the reasons for the revocation. In emergency situations where a license is revoked prior to a hearing, licensee must be given an opportunity to be heard as soon as is practicable.

Sec. 2-5. Regulations.

Every person licensed under this division shall put and keep in some conspicuous place on and outside of the place of business a sign designating that this establishment is licensed to deal in such articles; and the licensee shall keep a book in which shall be written, at the time of every purchase of every such article, a description of the article to include serial numbers, if available, and the day and hour when such purchase was made; and the licensee shall at all times keep the articles thus purchased, while the same remain in his possession, in such convenient place that they may be readily seen and examined. No other dealer or shopkeeper regulated by the provisions of this Article shall permit to be sold any such article purchased or received by him/her until, at least, a period of one (1) week from the date of its purchase or receipt has elapsed, unless authorized to sell the same in less than one (1) week by the Chief of Police or his/her designee.

Sec. 2-6. Records, articles purchased subject to inspection.

The book required to be kept by this ordinance and the articles thus purchased shall at all times be subject to the inspection and examination of the Chief of Police and any police officer or constable or any other officer seeking information in the line of his duty.

Sec. 2-7. Daily report required.

Every licensed pawnbroker shall make out and deliver to the Chief of Police or his/her designee on duty at police headquarters every day before the hour of 10:00 a.m., a legible and correct list containing an accurate description of all articles taken in pawn during the preceding twenty-four (24) hours, together with the time when such articles were pawned.

Sec. 2-8. Purchases from minors prohibited.

No person licensed as aforesaid shall purchase any of the articles named in this section from any minor.

ARTICLE III. CANVASSING AND SOLICITATION

Sec. 3-1. Purposes.

The purpose of this Article is to protect the general health and safety and welfare of the public through regulation of all canvassers and solicitors, as defined herein.

Sec. 3-2. Permit required.

Any canvasser or solicitor, as defined in this Article shall first obtain a written permit for such activity from the City Clerk. Such permit shall be required even if only part of a transaction occurs within the City limits. This paragraph applies to all solicitors or canvassers whether the canvassing or soliciting is to be done on private property or the public ways of the City. This Article shall not apply to activities governed elsewhere in this ordinance nor to garage sales as defined in section 3-3.

Sec. 3-3. Definitions.

[For the purposes of this Article, the following terms shall have the meaning ascribed thereto:]

Canvasser or *solicitor* means any person, resident or nonresident, who offers to buy or sell merchandise, or who solicits funds or items of value for any non-charitable purpose, by going door-to-door or from any temporary location including, but not limited to, any vehicle, stall, display, inside any business establishment or motel. *Garage sale* means one sale of household goods at a residence for a maximum of three (3) consecutive days within a sixty-day period.

Merchandise means any objects, wares, goods, promises, commodities, intangibles, services or other things of value.

Permanent place of business means any building or other permanently affixed structure, including a home residence, which is owned or held under a six-month lease or rental agreement at the time business is commenced, and is used in whole or in part for the purpose of engaging in the sale of consumer merchandise.

Person means any person, firm, partnership, association or corporation.

Sidewalk means that part of the public highway or street designed for the use of pedestrians.

Sidewalk stand means any portion of sidewalk or roadway area used for the storage, display, or sale of foodstuffs in this Article, and shall include any structure or device used for the placement of foodstuff thereon. *Special Event* means any organized event held on public property, in which more than 10 people are expected to attend, where the organizers bear full responsibility for the event for security, vendor licensing, adequate insurance coverage, and coordination of event parking.

Transient seller of consumer merchandise means any person who engages in the business of selling merchandise to consumers by means of personal contact or telephone contact, whether or not the seller is present in the state at the time of the contact or the time of sale, and who does not have, for the purposes of carrying on such business, any permanent place of business within this state. Transient sellers of consumer merchandise does not include persons who sell exclusively by mail contact, except for persons who offer merchandise or money prizes as free of charge, such as contest prizes or gifts for answering a survey, but who require the recipient to pay something of value in order to participate in this offer, including, but not limited to, entrance fees, processing fees or handling charges.

Wholesome means fit for human consumption without being injurious to human health, safety or welfare.

Sec. 3-4. No permit required for charitable or nonprofit purposes.

Canvassing or solicitations for charitable or nonprofit purposes does not require the issuance of a permit by the City Clerk.

Sec. 3-5. Issuance of permits for soliciting or canvassing for profit.

For other solicitation and sales by canvassing and soliciting the applicant must:

- 1) Submit an application to the City Clerk to include the Name and address of the applicant, name and address of the business, , duration of the canvassing or soliciting, type and manner of activity, a detailed listing of all convictions of any Class A, B or C crime, or any crime that involves threatening or violent behavior
- 2) Provide a copy of a driver's license or government-issued identification card for each person conducting door-to-door solicitation;
- 3) Provide a copy of any required state license;
- 4) Pay the license fee detailed in Appendix A.
- 5) Limit the scope of the activity to that detailed on the application. Any new activities would require a separate license.

Upon successful review by the Chief of Police, or his designee, the City Clerk shall issue a Canvassing/Soliciting License for a period not to exceed 90 days.

Activities that include buying any used articles must adhere to the reporting requirements detailed in Sec. 2.5 of this ordinance.

Sec. 3-6. Transient Sellers

- (1) Organizations or individuals who do not have a permanent business location within the State of Maine must register with the State of Maine as Transient Seller in accordance with 32 M.R.S.A. Sec. 14701-14716. Before door-to-door solicitations may commence within city limits, a photocopy of the state registration must be provided to the City Clerk,

along with a photocopy of government issued identification for each individual who will be soliciting door –to-door, and a description of the type of solicitation, a description of the goods or services being sold, the duration of the solicitation, and the name, address, phone number and email address of those in charge of these activities.

Sec. 3-7. Denial or Revocation of Permit

- (1) The Chief of Police, or his designee, may deny or revoke the permit of any businesses, applicants, or participants in canvassing or soliciting activities that are found to have convictions of any Class A, B or C crimes or crimes involving dishonesty within the previous ten year period or crime of any class that involves threatening or violent behavior within a five year period.
- (2) The Chief of Police, or his designee, may immediately suspend canvassing or soliciting activities that compromise the safety of pedestrians or vehicular traffic.

Sec. 3-8. Appeals

Applicants who are denied a permit under this Article must be informed in writing that they have the right to appeal the denial to the City Council.

Sec. 3-9. Limitations and restrictions.

- (a) Door-to-door solicitation without appointment shall be restricted to between the hours of 10:00 a.m. and 8:00 p.m. No permit shall be more than ninety (90) days in duration. City Council shall have discretion to limit the location of the solicitation, length of the permit, or the number of permits issued as determined by the needs of motor or pedestrian traffic or the number, or projected number, of similar permits in the same location. For other than door-to-door solicitation, to solicit on private property, the applicant must have written approval from the owner, lessor or manager of the property.
- (b) Door-to-door canvassing or soliciting without the soliciting of funds or other items of value does not require a permit, but shall be limited to between the hours of 10:00 a.m. and 8:00 p.m. unless by appointment. It is recommended that these organizations notify the Police Department prior to the event.

Sec. 3-10. Special Events

Organizers of Special Events must obtain a Public Assembly Permit detailed in Article III, Public Assemblies of the Public Safety Ordinance.

ARTICLE IV. MOBILE OR TEMPORARY FOOD VENDORS

Sec. 4-1. License requirements.

Applicants for a mobile or temporary food vendor license shall submit an application to the City Clerk with the following information:

- (1) Name, address, telephone number of applicant, business name;
- (2) Type of food to be sold;

- (3) Location where food is to be sold. If it is on private property, the application needs to be accompanied by written permission from the owner of the property;
- (4) Length of time being requested;
- (5) Copy of all necessary current, valid state licenses pertaining to the operation of vehicles or the operation of a mobile food vendor;
- (6) Payment of the required fee as prescribed in the Schedule of Fees (Appendix A) attached to this ordinance. Charitable or non-profit shall be exempt from this fee;

Applicants who have provided the necessary information and paid the required fee will be granted a license by the City Clerk for a period of time not exceeding ninety (90) days. The Chief of Police may impose time, manner and place restrictions on the license for pedestrian or motor vehicle safety purposes. If the sales are to take place on City-owned property (other than streets), time, manner and place restrictions may be imposed by the director of parks and recreation to avoid interference with the public's right to use City-owned property.

A licensee will, at all times, have the license prominently displayed on the vehicle or at the location where sales take place.

Mobile or temporary food vendors are not required to obtain canvassing and soliciting permits.

Sec. 4-2. Limitations and regulations.

1. No license for mobile or temporary food vendors will be granted within the congested business area.

Congested business area means the area that commences from the intersection of Main Street and Water Street, then heading north on Main Street to the intersection of Main Street, College Avenue and Elm Street, then south on Elm Street to the intersection with Spring Street, then east on Spring Street to the point of beginning.

2. City council approval is required for a vendor applying for a license within 250 feet of any business holding a current victualer's license. The application is subject to the following:

- a. Written notice of the council meeting to consider the application must be given between three and seven days before the council meeting by the city clerk to any holder of a current victualer's license within 250 feet of the applicant's proposed location.
- b. If the city council determines that the applicant will be in direct competition with an existing victualer's license holder whose business is located within 250 feet of the proposed location of the applicant, said application shall be denied.
- c. The 250 foot distance is measured in a straight line from the nearest boundary of the licensed property to the nearest location of the applicant's equipment.

No mobile food vendor with a license issued with no fixed location (such as novelty ice cream trucks) will stop for more than thirty (30) minutes in a three-hour period in the same general area.

Sec. 4-3 Exemptions

- a. Vendors who are affiliated with an organized event that has acquired an Assembly Permit from the Parks & Recreation Department must only provide a copy of their state health permit with the Assembly Permit application.
- b. Vendors who are charitable or non-profit are not required to be licensed under this section.
- c. Vendors who are participating in a private event on private property are not required to be licensed under this section.

Sec. 4-4. Revocation of license.

The license of a mobile or temporary food vendor may be revoked by the City Council after notice and hearing if the licensee violates any conditions of the license, any ordinance regarding mobile or temporary food vendors or the sale of food, or any statute governing the operation of a mobile eating place.

ARTICLE V. SPECIAL AMUSEMENT PERMIT

Sec. 5-1. Purpose.

The purpose of this Article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 M.R.S.A., § 702.

Sec. 5-2. Definitions.

Entertainment. For the purposes of this Article, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

Licensee. For purposes of this section, "licensee" shall include the holder of a license issued under the alcoholic beverages statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

Sec. 5-3. Application and permit requirements.

- (a) No licensee for the sale of liquor to be consumed on his premises, shall permit on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated, a special amusement permit signed by at least a majority of the City Council.
- (b) Applications for all special amusement permits shall be made in writing to the City Council and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the type of event to be held; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional

information as may be needed by the City Council in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

- (c) No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the City.
- (d) The fee for a special amusement permit shall be in accordance with the Schedule of Fees (Appendix A) attached to this ordinance.
- (e) The City Council shall, prior to granting a permit and after reasonable notice to the City and the applicant, hold a public hearing within fifteen (15) days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.
- (f) The City Council shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.
- (g) A permit shall be valid only for the license year of the applicant's existing liquor license.

Sec. 5-4. Conduct prohibited by licensees.

The purpose of this section is to regulate nudity as a form of live entertainment at those establishments at which alcoholic beverages are served or consumed and which are licensees under the terms of this section.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainers, employees of the licensed premises, or any other person, any entertainment which involves exposure to public view of:

- (a) The licensee's or any of his other agents' or employees' genitals, pubic hair, buttocks, perineum or anus;
- (b) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum or anus;
- (c) Any portion of the female breasts at or below the areola thereof.

For purposes of this section "exposure to public view" means the viewing, glimpsing, sighting, or reconnoitering by the use of one's ordinary visual means, that which is revealed, opened to plain view, exposed, discovered, distinguished, recognized, observed, demonstrated, exhibited, or perceived, discerned, displayed or capable of any or all such, from any vantage point where the public or any patron of any licensee is allowed, authorized, invited, or normally or commonly frequents.

Sec. 5-5. Inspections.

- (a) *Admission.* Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

- (b) *Samples.* Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance, provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the City requesting the same, sufficient samples of the material or commodity for analysis.
- (c) *Interfering with inspection.* In addition to any other penalty which may be provided, the City Council may revoke the special amusement permit of any licensee in the City who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Sec. 5-6. Suspension or revocation of a permit.

The City Council may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Article on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

Sec. 5-7. Rules and regulations.

The City Council are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Article.

Sec. 5-8. Permit and appeal procedures.

- (a) Any licensee requesting a special amusement permit from the City Council shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.
- (b) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, seek review of such action or failure to act pursuant to the Maine Rules of Civil Procedure, Rule 80-B. The superior court may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the City.

ARTICLE VI. BOTTLE CLUBS

Sec. 6-1. License required.

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, either to its members and guests or to the general public, any premises, in the City of Waterville, for use as a bottle club, without first having obtained a license therefore to be issued by the City Clerk after approval by the City Council in accordance with this Article.

Sec. 6-2. Definitions.

Unless otherwise defined herein or in the text, all words used will have their common meaning:

- (a) *Bottle club* means any establishment or premises which is operated on a regular basis in the following manner: (1) no alcoholic beverages sold on the premises; (2) all members; guests or members of the public must provide their own alcoholic beverages for consumption on the premises; (3) fees or other charges are imposed on all members, guests or members of the public for admission to the premises; or for setups, i.e. liquid mixers, cups, ice and other items associated with the consumption of alcoholic beverages or for any other reason. For purposes of this Article, the term "bottle club" shall include, but not be limited to all such premises designated for municipal regulation under 28 M.R.S.A., subsection 2(1-A), subsection 4.
- (b) *Person* shall mean any individual, person, firm, corporation, association, partnership or organization.
- (c) *Officer* shall mean any officer, director, stockholder, owners, manager, or person who either has a financial interest of any nature in a bottle club or directs any policy of a bottle club.

Sec. 6-3. Fees.

The annual license fee for a bottle club shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

Sec. 6-4. Application and information.

Every applicant for a bottle club license shall:

- (a) Complete and file an application on a form prescribed by the City Manager and City Council;
- (b) Deposit the prescribed license fee in advance with the City Clerk;
- (c) Submit with the completed application to the City Clerk the following:
 - (1) An attested copy of the Articles of Incorporation and Bylaws, if the applicant is a corporation, of Articles of Association and Bylaws, if the applicant is an association, or partnership documents if the applicant is a partnership, as well as a list of all principal officers of the bottle club.
 - (2) An affidavit which will identify all principal officers, their places of residency at the present time and for the immediately preceding three (3) years.

- (3) A description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the premises where liquor will be consumed.

If an application should be denied or withdrawn the license fee shall be refunded to the applicant.

Sec. 6-5. Investigation of applicant.

Upon receipt of each application for a bottle club license:

- (a) Code enforcement officer shall verify that the premises of the proposed bottle club comply with the applicable ordinances of the City of Waterville, including, but not by way of limitation, the building code, electrical code, plumbing code and zoning ordinance and shall report his findings in writing to the City Council.
- (b) The health officer shall cause inspection to be made of the proposed location of the bottle club for the purpose of determining whether the applicable ordinances relating to health and safety have been complied with. A report of his findings shall be made in writing to the City Council.
- (c) The Fire Chief shall cause an inspection to be made of the proposed location of the bottle club for the purpose of determining if City ordinances concerning fire and safety have been complied with. He shall submit a report of his findings in writing to the City Council.

All reports required under this section shall be filed with the City Clerk.

Sec. 6-6. Notice of hearing.

After receipt of the written reports required by section 6-4, the City Clerk shall give notice of a public hearing on the application in the form and manner and to the persons herein specified:

- (a) The notice shall include the time and place of such hearing, the nature of the matter to be heard, the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail.
- (b) Notices shall be given to each of the following:
 - (1) To the applicant;
 - (2) To all residents of the City by publication in a newspaper of general circulation in the City at least once, not more than thirty (30) nor less than five (5) days, before the date of the hearing;
 - (3) To the owners of the property within three hundred (300) feet of such parcel or tract by mail;
 - (4) For the purpose of this section, the owners of property shall be considered to be the parties listed by the assessor's office of the City of Waterville as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the City Council.

Sec. 6-7. License not to be transferable.

A separate license must be obtained for each bottle club. Each license shall authorize the operation of such an establishment only at the location described in such license and in conformity with all applicable ordinances and laws. No license shall be transferred to another person or to any other location.

Sec. 6-8. Display of license.

Every bottle club shall exhibit its license at all times in a conspicuous place on its premises.

Sec. 6-9. Expiration.

All licenses issued pursuant to this Article shall expire on the last day of April each year.

Sec. 6-10. Suspension or revocation.

- (a) A license to operate a bottle club as provided for by this Article may be denied, suspended, or revoked by the City Council for either a violation or failure to comply with any of the provisions of this Article.
- (b) No bottle club licensee shall permit entertainment on a licensed premise, whether provided by professional entertainers, employees of the licensed premises, or any other person which involves the exposure to public view of:
 - (1) The licensee's, or any of his agents or employees', genitals, pubic hair, buttocks, perineum or anus;
 - (2) Any device, costume or covering which gives the appearance of, or simulates the genitals, pubic hair, buttocks, perineum, or anus;
 - (3) Any portion of the female breasts, at or below the areola thereof.

For purposes of this section, "exposure to public view" means the viewing, glimpsing, sighting, or reconnoitering by the use of one's ordinary visual means, that which is revealed, or opened to plain view, exposed, discovered, distinguished, recognized, observed, demonstrated, exhibited, perceived, discerned, displayed or capable of any or all such, from any vantage point where the public or any patron of any licensee is allowed, authorized, invited, or normally or commonly frequents.

- (c) Denial, suspension or revocation of a bottle club license under the terms of this section shall be made by the City Council after notice of hearing before the City Council.

Sec. 6-11. Appeals.

An appeal from any final decision of the City Council shall be taken by any party to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Sec. 6-12. Hours of bottle club.

No bottle club shall be opened for business between the hours of 2:00 a.m. and 6:00 a.m. on January 1 and between 1:00 a.m. and 6:00 a.m. on all other days. During the hours that a bottle club must remain closed, no members, guests or other persons, other than regular employees, may remain therein, and the use by anyone of the premises or facilities of the bottle club for the drinking of alcoholic beverages during such hours when a bottle club must remain closed is prohibited.

ARTICLE VII. CONCEALED WEAPON PERMIT

Sec. 7-1. Application and Fee.

The Chief of Police shall, upon written application, issue a license to carry a concealed weapon to any legal resident of the City who complies with the regulations and procedures in 25 M.R.S.A., Section 2032. The license fees under this section are provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

ARTICLE VIII. VEHICLES FOR HIRE

Sec. 8-1. Definition.

Any vehicles used for hire for the carriage of passengers or light baggage within the City or into or out of the City shall be deemed a taxicab. Light baggage is to mean trunks, suitcases, groceries, parcels or other items which may be carried in the trunk or inside a passenger motor vehicle.

Sec. 8-2. License required.

No person shall own and use or operate any taxicab in the City without a license for such purpose as provided for herein.

Sec. 8-3. Issuance of owner's and operator's licenses.

(a) The City Council acting in accordance with the authority in Article IV, Section 7.I of the Charter, authorize the office of the City Clerk to issue licenses to own or use a vehicle for hire within the City and further to issue licenses to operate a taxicab within the City. Applicants for either an owner's or operator's license must file a written application with the City Clerk's office and must pay the required fee. The City Clerk's office, utilizing the following guidelines and standards, will issue a license, provided all of the following guidelines and standards are met:

1. Has a valid State of Maine driver's license;
2. Is at least eighteen (18) years of age;
3. For any owner, has the required vehicle registration;
4. Has a minimum of one (1) year's driving experience;
5. Has been photographed and fingerprinted when requested by the Police Department;
6. Has obtained an identification tag as described in section 8-5 of this chapter;
7. For an owner, has current liability running for no less than one (1) year after May 1 of each year, and for a sum of not less than fifty thousand dollars (\$50,000.00) because of bodily injury or death to any one (1) person; in the amount of one hundred thousand dollars (\$100,000.00) because of bodily injury or death of two (2) persons in any one (1) accident; and in the amount of twenty-five thousand dollars (\$25,000.00) because of injury to and destruction of property in any one (1) accident; or a one hundred twenty-five thousand dollar (\$125,000.00) single-limit policy as provided through the assigned risk program. All liability insurance policies required under this subsection shall contain a clause requiring notification to the City if the policy is canceled or not renewed;

8. Has not been convicted of any of the following:
 - a. Operating under the influence of either drugs or alcohol within the previous one-year period; two (2) or more convictions for operating under the influence of either drugs or alcohol within the previous six-year period;
 - b. A class A, B, or C crime within the previous ten-year period; conviction of any crime of any class that involves threatening or violent behavior within a five-year period;
 - c. More than two (2) motor vehicle violations within the past eighteen (18) months; more than four (4) motor vehicle violations within the past thirty-six (36) months;
 - d. The office of the City Clerk shall be empowered to utilize the services of the City Police Department to provide official reports and records pertaining to the matters in subsections a., b. and c.
 9. Is not required to register as a sex offender.
- (b) The office of the City Clerk, if it makes the factual determination that one (1) or more of the above guidelines and standards has or have not been met, is to issue in writing a denial of a request for a license to either own or use or to operate and will set forth the reason for refusal to issue such license. An applicant who has been denied a license shall have the right to appeal the denial of this license to a select committee designated by the chairman of the City Council, which committee may consist of no more than three (3) members. The select committee shall act in an appellate manner and shall ascertain from the facts presented in the record compiled by the City Clerk's office as to whether the facts are accurate, and if accurate constitute a failure to meet one (1) or more of the guidelines or standards set forth in this section as a basis for denial of a license. An appeal from the decision of the select committee of the City Council will then be in accordance with Rule 80B of the Maine Rules of Court.

Sec. 8-4. Renewal and revocation of owner's or operator's licenses.

- (a) The office of the City Clerk shall renew a license to either own or use a taxicab or to operate a taxicab on or before May 1 of each year, provided however, that the applicant must still meet all of the licensing guidelines and standards set forth in this Article. The office of the City Clerk shall be empowered to utilize the services of the City Police Department to update and to check on certain of the guidelines and standards. Upon proof of meeting the guidelines and standards and payment of the license fee, the office of the City Clerk is authorized to issue a renewal of licenses under this section.
- (b) If information is provided to the office of the City Clerk that a current licensee has violated one (1) or more of the guidelines or standards set forth in this Article and this fact is verified by the Police Department, then in that instance, the office of the City Clerk shall issue a notice of revocation of an existing license. A licensee who has been notified of revocation of this license is entitled to an appeal from this decision in the manner set forth in this Article provided, however, the licensee shall be banned from owning and using or operating pending a decision on appeal. Failure to surrender a revoked license upon written request by the office of the City Clerk shall be a violation subject to a fine or penalty as provided for in the Administrative Ordinance, Section 2-9.

Sec. 8-5. Identification tag; guidelines.

- (a) Each taxicab operator is required to display an identification tag in a conspicuous manner in any taxicab the licensee operates. The identification tag must contain the licensee's name, address, photograph and license number.

- (b) Every taxicab owner licensed to operate within the City shall keep a copy of the guidelines set forth in this section posted at his place of business.

Sec. 8-6. Revocation.

The City Clerk, with assistance from the Police Department, may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, uses abusive or profane language in the presence of a passenger, keeps his taxicab in an unsafe, unclean or unsatisfactory condition, or operates his taxicab in an unsafe manner.

Sec. 8-7. Number of passengers permitted.

The number of passengers carried by a taxicab at any time shall not exceed the seating capacity of the vehicle.

ARTICLE IX. OUTDOOR DINING

Any licensee who desires to establish and maintain an outdoor dining area within the Downtown District where liquor will be served shall adhere to the following rules:

- (a) Outdoor dining with liquor service shall be permitted from April 1st each year until November 1st of each year upon approval and issuance of proper Victualer and Liquor Licenses.
- (b) No outdoor dining area shall be approved unless provision is made for adequate passage on any sidewalk and/or roadway. Adequate passage is considered to be a minimum of 3 feet (3ft) wide walkway.
- (c) Any restaurant proposing to use city property shall carry liability insurance in the minimum amount of \$1,000,000 with the City as a named insured. Proof of insurance must be provided to City before said restaurant activities on City Property begin.
- (d) There will be no outdoor dining or liquor service after 11:00 P.M.
- (e) A fence or barrier shall be erected and maintained around the area where liquor will be served to prevent patrons from leaving the licensed premises.
- (f) Signs shall be posted at exit areas reading "No Alcohol Beyond This Point."
- (g) Staff must be employed in the outdoor area to serve and monitor patrons as required by State Liquor Licensing Laws.
- (h) No patrons shall transport liquor from within the licensed premise to the outdoor dining area, if such transportation requires the patron to leave an approved, monitored liquor service area and traverse a hallway, entrance area or other location.
- (i) Appropriate food shall be made available to patrons in the outside dining area as required by State Licensing standards.

If all above provisions are satisfied, the City Clerk may, after review and approval by the City Manager and Police Chief, issue permits for said outdoor dining activities.

Article X. LIQUOR CATERING

An establishment that possesses a valid State of Maine On-Premise Liquor License who wishes to serve alcohol at an event being held at a location other than the business establishment location is eligible to apply for an Off-Premise Liquor Catering License. Applicants must

complete and submit an Off-Premise Liquor Catering License to the Office of the City Clerk for each event and pay the fee detailed in Appendix A. The City Clerk will forward applications to the Chief of Police, or his designee, for review and approval prior to license issuance. Applications must be submitted to the City Clerk's office within three business days of the scheduled event date. License duration is only for the date(s) specified on each individual license application.

Article XI. JUNKYARDS

Automobile graveyards or junkyards must obtain a license from the Office of City Clerk. Applicants must complete and submit an application to the Office of the City Clerk and pay the fee detailed in Appendix A. The licensing process requires a mandatory public hearing, after published notice, which is to be at least seven days and not more than fourteen days before the hearing. Notice must be posted in at least two public places in the municipality and published in a newspaper having general circulation. In order for the license to be granted, minimum set back requirements detailed in State Statutes must be met. Licenses issued under this section expire annually on December 31st.

Article XII. CLOSING OUT SALES

Any business establishment advertising a sale which state, either directly or indirectly, that it is the intent of the seller is to dispose of the entire stock of goods in order to terminate its business is required to obtain a Closing Out Sale License. Applicants must complete and submit an application to the Office of the City Clerk and pay the fee detailed in Appendix A. Applicants must submit a complete inventory of all items included in the sale, under oath. Licenses expire in 60 days, unless a 60 day extension is requested by submitting an affidavit that all of the merchandise was not sold within the first 60 days.

Article XIII. THEATERS

Theaters must obtain a Theater License for each separate theater at its location. Applicants must complete and submit an application to the Office of the City Clerk and pay the fee detailed in Appendix A. Licenses issued under this section expire annually on May 30th.

Article XIV. VIOLATIONS

Violations of any provision of this ordinance shall be subject to the penalties as prescribed in the Administrative Ordinance, Article II, Section 2-9, unless a different penalty is provided herein.

A blue, stylized stamp with the word "APPROVED" in all caps, with a slight shadow effect.

Waterville City Council

June 4, 2007
(Ordinance 04-2007)

*Amended March 4, 2008
(Ordinance 02-2008)*

*Amended 5/7/2009
(Ordinance 03-2009)*

*Amended 6/8/2010
(Ordinance 2-2010)*

*Amended 4/3/2012
(Ordinance 80-2012)*

*Amended 10/19/2012
(Ordinance 172-2012)*

Amended 7/21/2015 *Amended February 6, 2018*
(Ordinance 107-2015) *(Ordinance 25-2018)*

APPENDIX A -- LICENSE & PERMIT FEE SCHEDULE

| | |
|--|-----------------------|
| Amusements | \$ 120.00 |
| Bottle clubs | \$ 360.00 |
| Canvassing (excepting charitable/nonprofit)..... | \$ 60.00 |
| Caterers, resident and itinerant | \$ 60.00 |
| Closing Out Sales..... | \$ 50.00 |
| Concealed weapons..... | \$ 35.00 |
| (Renewal) | \$ 20.00 |
| Innkeepers and lodging houses..... | \$ 120.00 |
| Junkyards..... | \$ 50 / \$200 / \$250 |
| Liquor Catering..... | \$ 20.00 |
| Mobile or temporary food vendor | \$ 120.00 |
| (90-day license) | \$ 120.00 |
| (7-day license) | \$ 45.00 |
| (1 day license) | \$ 30.00 |
| Outdoor Dining..... | \$ 100.00 |
| Pawnbrokers; secondhand dealers | \$ 60.00 |
| Special amusement permits | \$ 120.00 |
| Taxicab operators | \$ 20.00 |
| (Duplicates or reciprocal)..... | \$ 6.00 |
| Taxicab owners, (each cab) | \$ 60.00 |
| Theaters | \$ 120.00 |
| Victualers, liquor | \$ 240.00 |
| Non-liquor | \$ 90.00 |

There shall be no fee for any organization which is exclusively charitable in nature that solely prepares and provides meals for no charge to the public.



ORDINANCE REGULATING MARIJUANA FACILITIES

Approved: July 19, 2016
(Effective: August 9, 2016)

There shall be no marijuana dispensaries or primary caregiver operations in the following downtown area:

Bordered on the north by Union Street, on the south by Spring Street, on the east by the Kennebec River and on the west by Elm Street, inclusive; also, the properties with frontage on Water Street between Spring Street and Sherwin Street.

APPROVED

Waterville City Council
Approved: July 19, 2016
Effective: August 9, 2016
(Ordinance 132-2016)



MORATORIUM ORDINANCE REGARDING RETAIL RECREATIONAL MARIJUANA

**Approved January 16, 2018
(Effective: January 16, 2018)**

WHEREAS, the legislative body of the Municipality of Waterville (the “Municipality”) makes the following findings:

- (1) The Marijuana Legalization Act (the “Act”) was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- (2) The unregulated location and operation of “Retail Marijuana Establishments” and “Retail Marijuana Social Clubs,” as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Municipality raises legitimate and substantial questions about the impact of such activity, establishments and social clubs on the Municipality, including questions as to compatibility with existing land uses and developments in the municipality; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- (3) As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Municipality, have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (4) The Municipality currently has no regulations governing retail recreational marijuana activities, Retail Marijuana Establishments and Retail Marijuana Social Clubs, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and
- (5) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs locating in the Municipality and/or other types of retail recreational marijuana activity in the Municipality; and
- (6) The state’s regulatory structure is unknown at this time as the Maine Legislature and state agencies have not developed final legislation or regulations governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and legislation amending the Act is pending; and
- (7) In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. § 4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A M.R.S.A. § 4356, be it ordained by the Municipality as follows:

Section 1. Moratorium. The Municipality does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation or licensing of any and all “Retail Marijuana Social Clubs” and “Retail Marijuana Establishments,” as defined in 7 M.R.S.A. chapter 417, including but not limited to, retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities within the municipality. No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club within the Municipality on or after the effective date of this Ordinance. During the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club or retail recreational marijuana activities.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3. Medical Marijuana Act. This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

Section 4. Conflicts/Savings Clause. Any provisions of the Municipality’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is established, in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Municipality shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever shall first occur

APPROVED

Waterville City Council

Approved: January 16, 2018

Effective: January 16, 2018

(Ordinance 20-2017)



PARKS AND RECREATION ORDINANCE

Art. I. In General

- Sec. 1-1. Department Established
- Sec. 1-2. Director, General Duties
- Sec. 1-3. Recreation Board established

Art. II. Tree Regulations in Public Spaces

- Sec. 2-1. Purpose
- Sec. 2-2. Definitions
- Sec. 2-3. Authority and Duties of the City Arborist
- Sec. 2-4. Permits Required
- Sec. 2-5. Permits: Standards of Issuance; Notice of Completion
- Sec. 2-6. Work Requirements
- Sec. 2-7. Abuse or Mutilation of Public Trees
- Sec. 2-8. Protection of Public Trees

ARTICLE I. IN GENERAL

Sec. 1-1. Department--Established.

There is hereby established in the City a department of Parks and Recreation which shall be responsible for the maintenance and improvements of parks and playgrounds of the City under the general supervision of the Director of Parks and Recreation.

Sec. 1-2 Director; General Duties.

The department of Parks and Recreation shall be headed by a Director, appointed by the City Manager, who shall have control and direction of the department subject to the general supervision of the City Manager. The Director of Parks and Recreation shall, with the approval of the City Manager, have the power to appoint and remove employees of the department and he or she shall be responsible for recreational programming for youth and adults throughout the City.

Sec. 1-3. Recreation board established.

- (a) The City Council may appoint a Parks and Recreation Board consisting of seven (7) members serving staggered three (3) year terms for the purpose described below.
- (b) The Parks and Recreation Board is to act in an advisory capacity, and in that capacity may recommend and propose the construction, development, or purchase of park and recreation facilities that are consistent with the needs of the City. Additionally, the Parks and Recreation Board may assist the Director of Parks and Recreation in the proper administration and operation of the department. The Parks and Recreation Board is to advise and assist in the preparation and presentation of the Parks and Recreation Department's yearly budget request to the City Council.
- (c) The officers of the Board shall consist of a chairman and secretary. These officers shall be elected at each annual meeting of the Board. The Board shall provide for its own rules

and regulations of conduct. The chairman shall have the authority to appoint committees, and membership on such committees may be held by individuals who are not members of the Board.

ARTICLE II. TREE REGULATIONS IN PUBLIC SPACES

Sec. 2-1. Purpose.

The purpose of this article is to regulate the planting, maintenance, and removal of trees in the public streets, parkways, and other municipal-owned property; establishing regulations relating to the planting, maintenance, and removal of trees in public places; providing for the pruning and removal of trees on private property which endanger public safety.

Sec. 2-2. Definitions.

For the purposes of this article, the terms used herein are defined as follows:

City Arborist or *Arborist* is the Director of Parks and Recreation or his/her designee.

DBH means the diameter (in inches) of any tree at breast height.

Master public tree plan is an overall plan for the planting, maintenance, removal and replacement of all trees growing in public places within the municipality.

Park means all public parks owned by the City.

Property line shall mean the outer edge of a street or highway right-of-way.

Public places shall include all streets, highways, parks or other grounds owned by the City.

Public trees shall include all shade and ornamental trees or shrubs now or hereafter growing on any street, park or public place.

Street or *highway* means the entire width of every City way or right-of-way when any part thereof is open to the use of the public as a matter of right for purposes of vehicular or pedestrian traffic.

Treelawn is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Trees:

- (1) *Large trees* are designated as those attaining a height of forty-five (45) feet or more.
- (2) *Medium trees* are designated as those attaining a height of thirty (30) to forty-five (45) feet.
- (3) *Small trees* are designated as those attaining a height of twenty (20) to thirty (30) feet.

Sec. 2-3. Authority and duties of the City Arborist.

- (a) *Master public tree plan.* The City Arborist with the assistance of the Parks and Recreation Board, or a committee thereof, will formulate a master public tree plan which will serve as a basis for the municipal tree program. This plan will consider all known, existing and future utility and environmental factors when making specific recommendations. Once written, the City Arborist will submit the plan to the City Manager who will present it to the City Council, together with his/her recommendation, for adoption and implementation.
- (b) *Authority.* The City Arborist shall have the authority to regulate the planting, maintenance, preservation and removal of trees and shrubs in all public places for the benefit and welfare of the public and to protect and preserve the symmetry and beauty of such trees and public places in conformity with the intent of the master public tree plan.
- (c) *Supervision.* It shall be the duty of the City Arborist to ensure compliance of all contractual agreements entered into by the City for work done in accordance with the terms of this article.

Sec. 2-4. Permits: Required.

No person shall plant, spray, fertilize, prune, remove, cut or otherwise disturb above or below the ground any tree on any street, park or public place without first filing an application and procuring a permit from the City Arborist.

An application for planting required by this section shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting and such other information as the City Arborist shall find reasonably necessary to make a fair determination of whether a permit should be issued.

Sec. 2-5. Permits: Standards for Issuance; Notice of Completion.

The City Arborist shall issue such a permit if, in his judgment, the proposed work is desirable and the proposed method and workmanship thereof are in accordance with reasonable arboricultural specifications and standards of practice.

Any permit granted shall contain a definite date of expiration, and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

Notice of completion shall be given within five (5) days thereof to the City Arborist for his inspection.

Sec. 2-6. Work Requirements

(a) *Maintenance.* It shall be the duty of any person or persons owning real property upon which there may be trees and plants bordering on any street to prune such trees and plants in such a manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection or will not create any other hazard to the public. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

(1) *Notice to prune or remove.* Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the City Arborist shall order such person or persons, within ten (10) days after receipt of written notice, to prune or remove such trees.

(2) *Order required.* The order required herein shall be served by mailing a copy of the order to the last-known address of the property owner by certified mail, return receipt requested.

- (3) *Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune or remove such trees, and all cost thereof shall be charged to the owner thereof.
- (c) *Removal.* Whenever it is deemed necessary to remove a tree or trees growing on public places, a permit is required to remove.
- (d) *Tunneling or trenching.* A permit is required for tunneling or trenching within the dripline of a public tree.

Sec. 2-7. Abuse or Mutilation of Public Trees

Unless specifically authorized by the City Arborist, no person shall intentionally damage, cut, carve, transplant or remove any tree; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Sec. 2-8. Protection of Public Trees

Any individual causing construction shall provide protection to all trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work. Trees shall be guarded with a good substantial fence, frame or box not less than four (4) feet high and eight (8) feet square or at a distance in feet from the tree equal to the diameter of the trunk in inches DBH, whichever is greater; and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels, trenches or lay any drive within the dripline of any public tree without first obtaining a written permit from the City Arborist.

No person shall deposit, place, store or maintain upon any public place any vehicles, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein except by written permit of the City Arborist (except in emergencies on holidays and weekends).

APPROVED

Waterville City Council
Effective: June 5, 2007
(Ordinance 10-2007)



CITY OF WATERVILLE PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

Sec. 1-1. Purpose.

By and through this Chapter, the City of Waterville declares as its public purpose the establishment of a municipal program to enable its residents to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Waterville. The Waterville declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

Sec. 1-2. Enabling Legislation.

The City of Waterville enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

Sec. 2-1. Title.

This Ordinance shall be known and may be cited as "the City of Waterville Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance").

Sec. 2-2. Definitions.

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- 1. Energy saving improvement.** "Energy saving improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 1. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 2. Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

- B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** "Municipality" shall mean the City of Waterville.
 3. **PACE agreement.** "Pace agreement" means an agreement between the owner of qualifying property and the Efficiency Maine Trust (Trust) that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
 4. **PACE assessment.** "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.
 5. **PACE district.** "Pace district" means the area within which the City of Waterville establishes a PACE program hereunder, which is all that area within Waterville's boundaries.
 6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
 7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
 8. **PACE program.** "PACE program" means a program established under State statute by the Trust and a municipality under which property owners can finance energy savings improvements on qualifying property.
 9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of Waterville.
 10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
 11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

Sec. 3-1. Establishment; funding.

The Municipality hereby establishes a PACE program allowing owners of qualifying

property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

Sec. 3-2. Amendment to PACE program.

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

Sec. 4-1. Standards adopted; Rules promulgated; model documents.

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

Sec. 5-1. Program Administration.

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE

assessments;

- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

Sec. 5-2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

APPROVED

Waterville City Council
Effective: November 20, 2010
(Ordinance 8-2010)



PROPERTY MAINTENANCE ORDINANCE

Table of Contents

Art. I. Administration

| | PAGE |
|--|------|
| Section. 1-1. General | |
| Sec. 1-1a. Title..... | 1 |
| Sec. 1-1b. Scope | 1 |
| Sec. 1-1c. Intent..... | 1 |
| Sec. 1-1d. Severability..... | 1 |
| Section. 1-2. Applicability | |
| Sec. 1-2a. General..... | 1 |
| Sec. 1-2b. Maintenance..... | 1 |
| Sec. 1-2c. Application of other codes. | 1, 2 |
| Sec. 1-2d Existing remedies..... | 2 |
| Sec. 1-2e. Workmanship | 2 |
| Sec. 1-2f. Historic buildings | 2 |
| Sec. 1-2g. Referenced codes and standards | 2 |
| Sec. 1-2h. Requirements not covered by code | 2 |
| Section. 1-3. Duties and Powers of Code Enforcement Officers | |
| Sec. 1-3a. General..... | 2 |
| Sec. 1-3b. Rule-making authority | 2 |
| Sec. 1-3c. Inspections | 2, 3 |
| Sec. 1-3d. Right of entry | 3 |
| Sec. 1-3e. Identification | 3 |
| Sec. 1-3f. Notices and orders | 3 |
| Sec. 1-3g. Department records | 3 |
| Sec. 1-3h. Coordination of inspections..... | 3 |
| Section. 1-4. Approval | |
| Sec. 1-4a. Modifications | 3 |
| Sec. 1-4b. Alternative materials, methods and equipment..... | 3 |
| Sec. 1-4c. Required testing | 4 |
| 1-4c.1 Test methods | 4 |
| 1-4c.2 Testing agency | 4 |
| 1-4c.3 Test reports..... | 4 |
| Sec. 1-4d. Material and equipment reuse..... | 4 |
| Section. 1-5. Violations | |
| Sec. 1-5a. Unlawful acts | 4 |
| Sec. 1-5b. Notice of violation..... | 4 |
| Sec. 1-5c. Prosecution of violation | 4 |
| Sec. 1-5d. Violation penalties | 4 |
| Sec. 1-5e. Abatement of violation..... | 5 |
| Sec. 1-5f. Recovery of Cost of Correction | 5 |
| Section 1-6. Notices and Orders | |
| Sec. 1-6a. Notice to owner or to person or persons responsible | 5 |
| Sec. 1-6b. Form | 5 |
| Sec. 1-6c. Method of service | 5 |
| Sec. 1-6d. Penalties..... | 5 |

| | |
|--|------|
| Sec. 1-6e. Transfer of ownership | 5, 6 |
| Section 1-7. Unsafe Structures and Equipment | |
| Sec. 1-7a. General..... | 6 |
| 1-7a.1 Unsafe structures | 6 |
| 1-7a.2 Unsafe equipment | 6 |
| 1-7a.3 Structure unfit for human occupancy | 6 |
| 1-7a.4 Unlawful structure..... | 6 |
| Sec. 1-7b. Closing of vacant structures..... | 6 |
| Sec. 1-7c. Notice | 6, 7 |
| Sec. 1-7d. Placarding | 7 |
| Sec. 1-7e. Prohibited occupancy | 7 |
| Sec. 1-7f. Removal of placard | 7 |
| Section 1-8. Emergency Measures | |
| Sec. 1-8a. Imminent danger | 7 |
| Sec. 1-8b. Temporary safeguards | 7 |
| Sec. 1-8c. Closing streets..... | 7 |
| Sec. 1-8d. Emergency repairs | 7 |
| Sec. 1-8e. Costs of emergency repairs | 8 |
| Sec. 1-8f. Hearing..... | 8 |
| Section 1-9. Demolition | |
| Sec. 1-9a. General..... | 8 |
| Section 1-10. Means of Appeal | |
| Sec. 1-10a. Application for appeal..... | 8 |
| Sec. 1-10b. Membership of Board..... | 8 |
| 1-10b.1 Chairman..... | 8 |
| 1-10b.2 Disqualification of member | 8 |
| 1-10b.3 Secretary | 8 |
| Sec. 1-10c. Notice of meeting | 9 |
| Sec. 1-10d. Open hearing..... | 9 |
| 1-10d.1 Procedure | 9 |
| Sec. 1-10e. Board decision | 9 |
| 1-10e.1 Records and copies..... | 9 |
| 1-10e.2 Administration..... | 9 |
| Sec. 1-10f. Court review | 9 |
| Sec. 1-10g. Stays of enforcement | 9 |

Art. II. Definitions

| | |
|--|------------|
| Section 2-1. General | |
| Sec. 2-1a. Scope | 9 |
| Sec. 2-1b. Interchangeability | 9 |
| Sec. 2-1c. Terms defined in other codes..... | 10 |
| Sec. 2-1d. Terms not defined | 10 |
| Sec. 2-1e. Parts | 10 |
| Section 2-2. General Definitions | 10, 11, 12 |

Art. III. General Requirements

| | |
|--|----|
| Section 3-1. General | |
| Sec. 3-1a. Scope | 12 |
| Sec. 3-1b. Responsibility | 12 |
| Sec. 3-1c. Vacant structures and land..... | 12 |

| ARTICLE/SECTION | PAGE |
|--|--------|
| Section 3-2. Exterior Property Areas | 12 |
| Sec. 3-2a. Sanitation | 12 |
| Sec. 3-2b. Grading and drainage | 13 |
| Sec. 3-2c. Sidewalks and driveways | 13 |
| Sec. 3-2d. Weeds | 13 |
| Sec. 3-2e. Rodent harborage | 13 |
| Sec. 3-2f. Exhaust Vents | 13 |
| Sec. 3-2fg. Accessory Structures | 13 |
| 3-2g.1 | 13 |
| Sec. 3-2h. Motor Vehicles..... | 13 |
| Sec. 3-2i. Defacement of property | 13, 14 |
| Section 3-3. Exterior Structure | |
| Sec. 3-3a. General..... | 14 |
| Sec. 3-3b. Protective treatment | 14 |
| Sec. 3-3c. Street numbers..... | 14 |
| Sec. 3-3d. Structural members | 14 |
| Sec. 3-3e. Foundation walls | 14 |
| Sec. 3-3f. Exterior walls | 14 |
| Sec. 3-3g. Roofs and drainage | 14 |
| Sec. 3-3h. Decorative features | 15 |
| Sec. 3-3i. Overhang extensions | 15 |
| Sec. 3-3j. Stair and walking surfaces | 15 |
| Sec. 3-3k. Stairways, decks, porches and balconies | 15 |
| Sec. 3-3l. Chimneys and towers | 15 |
| Sec. 3-3m. Handrails and guards | 15 |
| Sec. 3-3n. Window, skylight and door frames | 15 |
| 3-3n.1 Glazing | 15 |
| 3-3n.2 Open-able windows | 15 |
| Sec. 3-3o. Insect screens | 16 |
| Sec. 3-3p. Doors..... | 16 |
| Sec. 3-3q. Basement hatchways | 16 |
| Sec. 3-3r. Guards for basement windows | 16 |
| Section 3-4. Interior Structure | |
| Sec. 3-4a. General..... | 16 |
| Sec. 3-4b. Structural members | 16 |
| Sec. 3-4c. Interior surfaces..... | 16 |
| Sec. 3-4d. Stairs and railings..... | 16 |
| Sec. 3-4e. Stairs and walking surfaces | 17 |
| Sec. 3-4f. Handrails and guards | 17 |
| Sec. 3-4g. Interior doors | 17 |
| Section 3-5. Rubbish and Garbage | |
| Sec. 3-5a. Accumulation of rubbish or garbage | 17 |
| Sec. 3-5b. Disposal of Rubbish | 17 |
| Sec. 3-5b.1. Single Occupant..... | 17 |
| Sec. 3-5c. Disposal of Garbage..... | 17 |
| Sec. 3-5c.1. Garbage Facilities | 17 |
| Sec. 3-5c.2. Containers | 17 |
| Section 3-6. Extermination | |
| Sec. 3-6a. Infestation..... | 17, 18 |
| Sec. 3-6b. Owner | 18 |
| Sec. 3-6c. Single Occupant..... | 18 |
| Sec. 3-6d. Multiple occupancy..... | 18 |
| Sec. 3-6e. Occupant..... | 18 |

Art. IV. Light, Ventilation and Occupancy Limits

| | |
|---|--------|
| Section 4-1. General | |
| Sec. 4-1a. Scope | 18 |
| Sec. 4-1b. Responsibility | 18 |
| Sec. 4-1c. Alternative devices | 18 |
| Section 4-2. Light | |
| Sec. 4-2a. Habitable spaces..... | 19 |
| Sec. 4-2b. Common halls and stairways | 19 |
| Sec. 4-2c. Other spaces | 19 |
| Section 4-3. Ventilation | |
| Sec. 4-3a. Habitable spaces..... | 19 |
| Sec. 4-3b. Bathrooms and toilet rooms | 19 |
| Sec. 4-3c. Cooking facilities | 20 |
| Sec. 4-3d. Process ventilation | 20 |
| Sec. 4-3e. Clothes dryer exhaust | 20 |
| Section 4-4. Occupancy Limitations | |
| Sec. 4-4a. Privacy..... | 20 |
| Sec. 4-4b. Minimum room widths | 20 |
| Sec. 4-4c. Minimum ceiling heights | 20 |
| Sec. 4-4d. Bedroom requirements..... | 21 |
| 4-4d.1 Area for sleeping purposes | 21 |
| 4-4d.2 Access from bedrooms..... | 21 |
| 4-4d.3 Water closet accessibility | 21 |
| 4-4d.4 Prohibited occupancy | 21 |
| 4-4d.5 Other requirements | 21 |
| Sec. 4-4e. Overcrowding | 21, 22 |
| 4-4e.1 Sleeping area | 22 |
| 4-4e.2 Combined spaces..... | 22 |
| Sec. 4-4f. Efficiency unit | 22 |
| Sec. 4-4g. Food preparation | 22 |

Art. V. Plumbing Facilities and Fixture Requirements

| | |
|--|--------|
| Section 5-1. General | |
| Sec. 5-1a. Scope | 22 |
| Sec. 5-1b. Responsibility | 23 |
| Section 5-2. Required Facilities | |
| Sec. 5-2a. Dwelling units | 23 |
| Sec. 5-2b. Rooming houses | 23 |
| Sec. 5-2c. Hotels | 23 |
| Sec. 5-2d. Employees' facilities..... | 23 |
| 5-2d.1 Drinking facilities | 23 |
| Section 5-3. Toilet Rooms | |
| Sec. 5-3a. Privacy..... | 23 |
| Sec. 5-3b. Location..... | 23 |
| Sec. 5-3c. Location of employee toilet facilities..... | 23, 24 |
| Section 5-4. Plumbing Systems and Fixtures | |
| Sec. 5-4a. General..... | 24 |
| Sec. 5-4b. Fixture clearances | 24 |
| Sec. 5-4c. Plumbing system hazards | 24 |

| ARTICLE/SECTION | PAGE |
|--|--------|
| Section 5-5. Water System | |
| Sec. 5-5a. General..... | 24 |
| Sec. 5-5b. Contamination | 24 |
| Sec. 5-5c. Supply..... | 24 |
| Sec. 5-5d. Water heating facilities | 24, 25 |
| Section 5-6. Sanitary Drainage System | |
| Sec. 5-6a. General..... | 25 |
| Sec. 5-6b. Maintenance..... | 25 |
| Section 5-7. Storm Drainage | |
| Sec. 5-7a. General..... | 25 |
| Art. VI. Mechanical and Electrical Requirements | |
| Section 6-1. General | |
| Sec. 6-1a. Scope | 25 |
| Sec. 6-1b. Responsibility | 25 |
| Section 6-2. Heating Facilities | |
| Sec. 6-2a. Facilities required | 25 |
| Sec. 6-2b. Residential occupancies | 25 |
| Sec. 6-2c. Heat supply..... | 26 |
| Sec. 6-2d. Occupiable work spaces | 26 |
| Sec. 6-2e. Room temperature measurement | 26 |
| Section 6-3. Mechanical Equipment | |
| Sec. 6-3a. Mechanical equipment | 26 |
| Sec. 6-3b. Cooking and heating equipment | 26 |
| 6-3b.1 Cooking equipment | 26 |
| Sec. 6-3c. Removal of combustion products | 26 |
| Sec. 6-3d. Clearances | 27 |
| Sec. 6-3e. Safety controls..... | 27 |
| Sec. 6-3f. Combustion air | 27 |
| Sec. 6-3g. Energy conservation devices | 27 |
| Section 6-4. Electrical Facilities | |
| Sec. 6-4a. Facilities required | 27 |
| Sec. 6-4b. Services..... | 27 |
| Sec. 6-4c. Electrical system hazards..... | 27 |
| Section 6-5. Electrical Equipment | |
| Sec. 6-5a. Installation | 27 |
| Sec. 6-5b. Receptacles..... | 27 |
| Sec. 6-5c. Lighting fixtures | 28 |
| Section 6-6. Elevators, Escalators and Dumbwaiters | |
| Sec. 6-6a.General..... | 28 |
| Sec. 6-6b. Elevators | 28 |
| Section 6-7. Duct Systems | |
| Sec. 6-7a. General..... | 28 |
| Art. VII. Fire Safety | |
| Section 7-1. General | |
| Sec. 7-1a. Scope | 28 |
| Sec. 7-1b. Responsibility | 28 |

| | |
|--|--------|
| Section 7-2. Means of Egress | |
| Sec. 7-2a. General..... | 28 |
| Sec. 7-2b. Exit Capacity | 29 |
| Sec. 7-2c. Number of exits | 29 |
| Sec. 7-2d. Arrangement..... | 29 |
| Sec. 7-2e. Corridor enclosure..... | 29 |
| Sec. 7-2f. Dead-end travel distance | 29, 30 |
| Sec. 7-2g. Aisles | 30 |
| Sec. 7-2h. Stairways, handrails and guards | 30 |
| Sec. 7-2i. Stairway identification..... | 30 |
| Sec. 7-2j. Locked doors | 30 |
| 7-2j.1 Locks permitted | 31 |
| Sec. 7-2k. Emergency escape..... | 31 |
| 7-2k.1 Security..... | 31 |
| Section 7-3. Accumulations and Storage | |
| Sec. 7-3a. Accumulations | 31 |
| Sec. 7-3b. Hazardous material | 32 |
| Section 7-4. Fire-Resistance Ratings | |
| Sec. 7-4a. General..... | 32 |
| Sec. 7-4b. Maintenance | 32 |
| Section 7-5. Fire-Protection Systems | |
| Sec. 7-5a. General..... | 32 |
| Sec. 7-5b. Fire-suppression system | 32 |
| Sec. 7-5c. Standpipe systems | 32 |
| Sec. 7-5d. Fire extinguishers..... | 32 |
| Sec. 7-5e. Smoke Detectors..... | 32 |
| 7-5e.1 Installation | 33 |
| 7-5e.2 Power source..... | 33 |
| 7-5e.3 Tampering | 33 |
| Sec. 7-5f. Fire alarm systems..... | 33 |
| Art. VIII. Referenced Standards | |
| Section. 8-1. ASME | 33 |
| Section. 8-2. CODES..... | 33 |

PROPERTY MAINTENANCE ORDINANCE

Article I. Administration.

Section 1-1. General.

Sec. 1-1a. Title.

These regulations shall be known as the Property Maintenance Ordinance of City of Waterville, hereinafter referred to as "this ordinance."

Sec. 1-1b. Scope.

The provisions of this ordinance shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises. Structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Sec. 1-1c. Intent.

This ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety and reasonable attractiveness as required herein.

Sec. 1-1d. Severability.

If a 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.

Section 1-2. Applicability.

Sec. 1-2a. General.

The provisions of this ordinance shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1-1. Where, in a specific case, different sections of this ordinance specify different requirements, the most restrictive shall govern.

Sec. 1-2b. Maintenance.

Equipment, systems, devices and safeguards that are required by this ordinance or a previous regulation or ordinance under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this ordinance are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

Sec. 1-2c. Application of other codes or ordinances.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70. Nothing in this ordinance shall be construed to cancel, modify or set aside any provision of the zoning code.

Existing remedies.

The provisions in this ordinance shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which are dangerous, unsafe and unsanitary.

Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this ordinance shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

Historic buildings.

The provisions of this ordinance shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Sec. 1-2d. Referenced codes and standards.

The codes and standards referenced in this ordinance shall be those that are listed in Article 8 and considered part of the requirements of this ordinance to the prescribed extent of each such reference. Where differences occur between provisions of this ordinance and the referenced standards, the provisions of this ordinance shall apply.

Sec. 1-2e. Requirements not covered by ordinance.

Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this ordinance, shall be determined by the code official with the approval of the appeals board.

Section 1-3. Duties and Powers of Code Enforcement Officers.

Sec. 1-3a. General.

The code enforcement officers (code officials) shall enforce the provisions of this ordinance.

Sec. 1-3b. Rule-making authority.

The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this ordinance, or of violating accepted engineering methods involving public safety.

Sec. 1-3c. Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 1-3d. Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

Sec. 1-3e. Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this ordinance.

Sec. 1-3f. Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this ordinance.

Sec. 1-3g. Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this ordinance. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

Sec. 1-3h. Coordination of inspections.

Whenever in the enforcement of this ordinance or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

Section 1-4. Approval.

Sec. 1-4a. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this ordinance, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this ordinance impractical and the modification is in compliance with the intent and purpose of this ordinance and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Sec. 1-4b. Alternative materials, methods and equipment.

The provisions of this ordinance are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this ordinance, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this ordinance, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this ordinance in quality, strength, effectiveness, fire resistance, durability and safety.

Sec. 1-4c. Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this ordinance, or evidence that a material or method does not conform to the requirements of this ordinance, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

Sec. 1-4c.1. Test methods.

Test methods shall be as specified in this ordinance or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

Sec. 1-4c.2. Testing agency.

All tests shall be performed by an approved agency.

Sec. 1-4c.3. Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

Sec. 1-4c.4. Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

Section 1-5. Violations.

Sec. 1-5a. Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this ordinance.

Sec. 1-5b. Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 1-6.

Sec. 1-5c. Prosecution of violation.

If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this ordinance or of the order or direction made pursuant thereto.

Sec. 1-5d. Violation penalties.

Any person who shall violate a provision of this ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a fine of \$100.00, which cannot be suspended. The violator will also be responsible for the City's reasonable attorney's fees in prosecuting the violation if the City is the prevailing party.

Sec. 1-5e. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Sec. 1-5f. Recovery of Cost of Correction.

If the owner or other person responsible fails to take corrective action within the time period allowed by the code official, the code official may have the corrective action taken and recover the cost in a civil action. If the City is represented by legal counsel in the civil action the defendant (s) are responsible for the City's reasonable attorney's fees if the City is the prevailing party.

Section 1-6. Notices and Orders.

Sec. 1-6a. Notice to owner or to person or persons responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 1-6b and 1-6c. Notices for condemnation procedures shall also comply with Section 1-7c.

Sec. 1-6b. Form.

Such notice prescribed in Section 1-6a shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification; Include a statement of the violation or violations and why the notice is being issued; Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this ordinance; and Inform the property owner of the right to appeal the violation, unless it is a violation of Section 3-2a. (Sanitation).
Include an appeals form.

Sec. 1-6c. Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or

If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Sec. 1-6d. Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 1-5e.

Sec. 1-6e. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 1-7. Unsafe Structures and Equipment.

Sec. 1-7a. General.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy or is found unlawful, such structure shall be condemned pursuant to the provisions of this ordinance.

Sec. 1-7a.1. Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sec. 1-7a.2. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Sec. 1-7a.3. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this ordinance, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Sec. 1-7a.2.4. Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this ordinance, or was erected, altered or occupied contrary to law.

Sec. 1-7b. Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Sec. 1-7c. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1-6c. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1-6b.

Sec. 1-7d. Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Sec. 1-7e. Prohibited occupancy.

Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this ordinance.

Sec. 1-7f. Removal of placard.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this ordinance.

Section 1-8. Emergency Measures.

Sec. 1-8a. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to

enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Sec. 1-8b. Temporary safeguards.

Notwithstanding other provisions of this ordinance, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Sec. 1-8c. Closing streets.

When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Sec. 1-8d. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sec. 1-8e. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The city solicitor shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Sec. 1-8f. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this ordinance.

Section 1-9. Demolition.

Sec. 1-9a. General.

The procedure for demolition of buildings shall be in accordance with 28 MRSA§2851 et seq., as amended.

Section 1-10. Means of Appeal.

Sec. 1-10a. Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this ordinance shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not fully apply, or the requirements of this ordinance are adequately satisfied by other means.

Sec. 1-10b. Membership of board.

The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Mayor with the approval of the council.

The members shall serve for three-year terms, except that during the initial appointment one will serve for 1 year, a second for two years and a third for three years.

Sec. 1-10b.1. Chairman.

The board shall annually select one of its members to serve as Chair.

Sec. 1-10b.2. Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Sec. 1-10b.3. Secretary.

The City Manager shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the code official.

Sec. 1-10c. Notice of meeting.

The board shall meet upon notice from the Chair, within ten days of the filing of an appeal, or at stated periodic meetings.

Sec. 1-10d. Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

Sec. 1-10d.1. Procedure.

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Sec. 1-10e. Board decision.

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

Sec. 1-10e.1. Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

Sec. 1-10e.2. Administration.

The code official shall take immediate action in accordance with the decision of the board.

Sec. 1-10f. Court review.

A party shall have the right to appeal to Superior Court in accordance with Rule 80B within 30 days of the date the board of appeals made its oral decision.

Sec. 1-10g. Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Article II. Definitions.

Section 2-1. General.

Sec. 2-1a. Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this ordinance, have the meanings shown in this article.

Sec. 2-1b. Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Sec. 2-1c. Terms defined in other codes or ordinances.

Where terms are not defined in this ordinance and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

Sec. 2-1d. Terms not defined.

Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 2-1e. Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

Section 2-2. General Definitions.

APPROVED.

Approved by the code official.

BASEMENT.

That portion of a building, which is partly or completely below grade.

BATHROOM.

A room containing plumbing fixtures including a bathtub or shower.

BEDROOM.

Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL.

The official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

CONDEMN.

To adjudge unfit for occupancy.

DWELLING UNIT.

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY.

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION.

The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

HABITABLE SPACE.

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT HAZARD.

A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION.

The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED.

Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET.

To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY.

The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT.

Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA.

That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR.

Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER.

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON.

An individual, corporation, partnership or any other group acting as a unit.

PREMISES.

A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE.

A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT.

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

STRUCTURE.

That which is built or constructed or a portion thereof.

TENANT.

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM.

A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION.

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE.

Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD.

An open space on the same lot with a structure.

Article III. General Requirements.**Section 3-1. General.****Sec. 3-1a. Scope.**

The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Sec. 3-1b. Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Section 3-5. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

Sec. 3-1c. Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 3-2. Exterior Property Areas**Sec. 3-2a. Sanitation.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.

Sec. 3-2b. Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception:

Approved retention areas and reservoirs.

Sec. 3-2c. Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 3-3a and 7-2h.

Sec. 3-2d. Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Sec. 3-2e. Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Sec. 3-2f. Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Sec. 3-2g. Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Sec. 3-2g.1.

Gates which are required to be self-closing and self-latching in accordance with the building code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

Sec. 3-2h. Motor vehicles.

Not more than one uninspected motor vehicle shall be parked, kept or stored outside of an enclosed garage on any premises. In addition, no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, or leaking fluids uncollected on the ground.

Exception:

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Sec. 3-2i. Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 3-3. Exterior Structure

Sec. 3-3a. General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Sec. 3-3b. Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

Upon request, hardship assistance or direction for assistance is available through a panel consisting of representatives of various public service agencies.

Sec. 3-3c. Street numbers.

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and ½-inch (13 mm) stroke.

Sec. 3-3d. Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Sec. 3-3e. Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks to maintain structural integrity and shall be kept in such condition so as to prevent the entry of rodents.

Sec. 3-3f. Exterior walls.

All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec. 3-3g. Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec. 3-3h. Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Sec. 3-3i. Overhang extensions.

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 3-3j. Stair and walking surfaces.

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 7-2h.

Sec. 3-3k. Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 3-3l. Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 3-3m. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 3-3n. Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Sec. 3-3n.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

Sec. 3-3n.2 Open-able windows.

Every window, other than a fixed window, shall be easily open-able and capable of being held in position by window hardware.

Sec. 3-3o. Insect screens.

During the period from April 2 – December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception:

Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Sec. 3-3p. Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

Sec. 3-3q. Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Sec. 3-3r. Guards for basement windows.

Every basement window that is open-able shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Section 3-4. Interior Structure

Sec. 3-4a. General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure, which such occupant occupies or controls, in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Sec. 3-4b. Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Sec. 3-4c. Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Sec. 3-4d. Stairs and railings.

All interior stairs and railings shall be maintained in sound condition and good repair.

Sec. 3-4e. Stairs and walking surfaces.

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 7-2h.

Sec. 3-4f. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 3-4g. Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Section 3-5. Rubbish and Garbage.

Sec. 3-5a. Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Sec. 3-5b. Disposal of Rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner as defined in revised Code of Ordinances section 12.23.

Sec. 3-5b.1. Rubbish Storage Facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of premises shall be responsible for the removal of rubbish.

Sec. 3-5c. Disposal of Garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner as defined in revised Code of Ordinances section 12.23.

Sec. 3-5c.1. Garbage Facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; and approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

Sec. 3-5c.2. Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 3-6. Extermination.

Sec. 3-6a. Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Sec. 3-6b. Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Sec. 3-6c. Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

Sec. 3-6d. Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

Sec. 3-6e. Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception:

Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Sec. 3-7. Enforcement

The Code Enforcement Officer may immediately address issues regarding Section 3.2d and 3.5a. Violators, as determined by the Code Enforcement Officer, will have no right to appeal to the Property Maintenance Board, since these violations are not subjective in nature and require prompt resolution.

Article IV. Light, Ventilation and Occupancy Limitations.

Section 4-1. General.

Sec. 4-1a. Scope.

The provisions of this article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

Sec. 4-1b. Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this article.

Sec. 4-1c. Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code shall be permitted.

Section 4-2. Light

Sec. 4-2a. Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception:

Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Sec. 4-2b. Common halls and stairways.

Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior means of egress stairway, other than in one- and two-family dwellings, shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

Sec. 4-2c. Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Section 4-3. Ventilation

Sec. 4-3a. Habitable spaces.

Every habitable space shall have at least one open-able window. The total open-able area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 4-2a.

Exception:

Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the

interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Sec. 4-3b. Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 4-3a, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

Sec. 4-3c. Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception:

Where specifically approved in writing by the code official.

Sec. 4-3d. Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

Sec. 4-3e. Clothes dryer exhaust.

Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

Section 4-4. Occupancy Limitations.

Sec. 4-4a. Privacy.

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Sec. 4-4b. Minimum room widths.

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

Sec. 4-4c. Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

Sec. 4-4d. Bedroom requirements.

Every bedroom shall comply with the requirements of Sections 4-4d.1 through 4-4d.5.

Sec. 4-4d.1. Area for sleeping purposes.

Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

Sec. 4-4d.2. Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception:

Units that contain fewer than two bedrooms.

Sec. 4-4d.3. Water closet accessibility.

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Sec. 4-4d.4. Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

Sec. 4-4d.5. Other requirements.

Bedrooms shall comply with the applicable provisions of this ordinance including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article; the plumbing facilities and water-heating facilities requirements of Article 5; the heating facilities and electrical receptacle requirements of Article 6; and the smoke detector and emergency escape requirements of Article 7.

Sec. 4-4e. Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4-4e.

| TABLE 4-4e. MINIMUM AREA REQUIREMENTS | | | |
|--|------------------------------------|--------------------------|--------------------------------|
| SPACE | MINIMUM AREA IN SQUARE FEET | | |
| | 1-2 occupants | 3-5 occupants | 6 or more occupants |
| Living Room a, b | No requirements | 120 | 150 |
| Dinning Room a, b | No requirements | 80 | 100 |
| Kitchen b | 50 | 50 | 60 |
| Bedrooms | Shall comply with Section 4-4d. | | |

For **SI**: 1 square foot = 0.093 m².

- a See Section 4-4e.2 for combined living room/dining room spaces.
- b See Section 4-4e.1 for limitations on determining the minimum occupancy area for sleeping purposes.

Sec. 4-4e.1. Sleeping area.

The minimum occupancy area required by Table 4-4e shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 4-4d.

Sec. 4-4e.2. Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 4-4e if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Sec. 4-4f. Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this ordinance shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

Sec. 4-4g. Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Article V. Plumbing Facilities and Fixture Requirements.

Section 5-1. General.

5-1a. Scope.

The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

5-1b. Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this article.

Section 5-2. Required Facilities.

5-2a. Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

5-2b. Rooming houses.

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

5-2c. Hotels.

Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

5-2d. Employees' facilities.

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

5-2d.1. Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Section 5-3. Toilet Rooms.

5-3a. Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

5-3b. Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

5-3c. Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception:

Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Section 5-4. Plumbing Systems and Fixtures.

5-4a. General.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

5-4b. Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

5-4c. Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 5-5. Water System.

5-5a. General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the plumbing code.

5-5b. Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

5-5c. Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

5-5d. Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F. (49°C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 5-6. Sanitary Drainage System.

Sec. 5-6a. General.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Sec. 5-6b. Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Section 5-7. Storm Drainage.

5-7a. General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Article VI. Mechanical and Electrical Requirements.

Section 6-1. General.

Sec. 6-1a. Scope.

The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Sec. 6-1b Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this article.

Section 6-2. Heating Facilities.

Sec. 6-2a. Facilities required.

Heating facilities shall be provided in structures as required by this section.

Sec. 6-2b. Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F. (18°C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the plumbing code.

Sec. 6-2c. Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat whenever required to maintain a temperature of not less than 65°F. (18°C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception:

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the plumbing code.

Sec. 6-2d. Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat whenever required to maintain a temperature of not less than 65°F. (18°C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Sec. 6-2e. Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

Section 6-3. Mechanical Equipment.

Sec. 6-3a. Mechanical equipment.

All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Sec. 6-3b. Cooking and heating equipment.

All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

Sec. 6-3b.1. Cooking equipment.

Cooking appliances shall not be used to provide space heating to meet the minimum requirements of Section 6-2c.

Sec. 6-3c. Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception:

Fuel-burning equipment and appliances, which are labeled for, unvented operation.

Sec. 6-3d. Clearances.

All required clearances to combustible materials shall be maintained.

Sec. 6-3e. Safety controls.

All safety controls for fuel-burning equipment shall be maintained in effective operation.

Sec. 6-3f. Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Sec. 6-3g. Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Section 6-4. Electrical Facilities.

Sec. 6-4a. Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 6-5.

Sec. 6-4b. Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

Sec. 6-4c. Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 6-5. Electrical Equipment.

Sec. 6-5a. Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Sec. 6-5b. Receptacles.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Each bathroom receptacle outlet shall have ground fault circuit interrupter protection. Every kitchen shall have ground fault interrupter protection receptacles to serve the kitchen counters.

Sec. 6-5c. Lighting fixtures.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Section 6-6. Elevators, Escalators and Dumbwaiters

Sec. 6-6a. General.

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

Sec. 6-6b. Elevators.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception:

Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Section 6-7. Duct Systems.

Sec. 6-7a. General.

Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

Article VII. Fire Safety Requirements

Section 7-1. General

Sec. 7-1a. Scope.

The provisions of this article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Sec. 7-1b. Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this article.

Section 7-2. Means of Egress.

Sec. 7-2a. General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

Sec. 7-2b. Exit capacity.

The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

Sec. 7-2c. Number of exits.

In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits.

Exceptions:

1. A single exit is acceptable under any one of the following conditions:
2. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
3. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke-proof enclosure or pressurized stairway.
4. Where an existing fire escape conforming to the building code is provided in addition to the single exit.
5. Where permitted by the building code.
6. The dwelling has an exit door opening directly to the street or yard at ground level.
7. The travel distance from the entrance door of any dwelling unit to an exit does not exceed 35 feet.
8. Horizontal and vertical separation with a fire rating of not less than ½ hour is provided between dwelling units.

Sec. 7-2d. Arrangement.

Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

Sec. 7-2e. Exit signs.

All means of egress shall be indicated with approved "Exit" signs where required by the building code. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

Sec. 7-2f. Corridor enclosure.

All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions:

1. Corridors in occupancies, other than high-hazard occupancies, which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the fire prevention code, are not required to be self-closing.
3. Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code.

Sec. 7-2g. Dead-end travel distance.

All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10 668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21 336 mm) where the building is equipped throughout with an automatic sprinkler system.

Exception:

Dead ends that are in compliance with the building code.

Sec. 7-2h. Aisles.

Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

Sec. 7-2i. Stairways, handrails and guards.

Every exterior and interior flight of means of egress stairs serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards and/or rails as indicated below.

Existing guards shall not be less than 36 inches high,

Open guards, other than approved existing open guards, shall have intermediate rails or an ornamental pattern such that a sphere 4 inches (10.1cm) in diameter shall not pass through any opening up to a height of 34 inches (86cm).

Existing handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high.

New handrails shall not be less than 34 inches or more than 38 inches

All handrails shall be measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface.

Exception:

Guards are not required at any location where guards are exempted by the building code.

Sec. 7-2j. Stairway identification.

A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of exit discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code.

Exception:

The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code.

Sec. 7-2k. Locked doors.

All means of egress doors shall be readily open-able from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 702.11.1.

Sec. 7-2k.1 Locks permitted.

Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the building code.

Sec. 7-2l. Emergency escape.

Every sleeping room located below the third story in residential and group home occupancies shall have at least one open-able window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception:

Buildings equipped throughout with an automatic fire suppression system.

Sec. 7-2l.1 Security.

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

Section 7-3. Accumulations and Storage.

Sec. 7-3a. Accumulations.

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

Sec. 7-3b. Hazardous material.

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

Section 7-4. Fire-Resistance Ratings.

Sec. 7-4a. General.

The fire-resistance rating of floors, walls, ceilings, and other elements and components required by the building code shall be maintained.

Sec. 7-4b. Maintenance.

All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

Section 7-5. Fire Protection Systems.

Sec. 7-5a. General.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be maintained in an operable condition at all times in accordance with the fire prevention code.

Sec. 7-5b. Fire-suppression system.

Fire-suppression systems shall be maintained in proper operating condition at all times.

Sec. 7-5c. Standpipe systems.

Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

Sec. 7-5d. Fire extinguishers.

All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

Furnaces shall have a 1 hour fire rated ceiling or the installation of sprinkler head tied into the domestic water supply installed over the furnace.

Sec. 7-5e. Smoke detectors.

A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in residential and group home occupancies, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in one- and two-family dwellings and multifamily dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

Sec. 7-5e.1. Installation.

All detectors shall be installed in accordance with the building code and the manufacturer's instructions. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

Sec. 7-5e.2. Power source.

The power source for smoke detectors shall be an AC primary power source.

Note: AC powered smoke detectors may also have a battery backup system.

Sec. 7-5e.3. Tampering.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

Sec. 7-5f. Fire alarm systems.

Fire alarm systems shall be in proper operating condition at all times.

Article VII. Reference Standards.

This article lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 1-2h.

ASME

American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017-2392

Title

Safety Code for Elevators and Escalators — with A17.1a-94 Addendum

| Standard reference number | Referenced in code Section number |
|---------------------------|-----------------------------------|
| A17.1—93 | 201.3 |

CODES

This model property maintenance code is intended to be utilized in conjunction with the other model codes that are adopted by the jurisdiction.

| | |
|--------------------------|--------------------|
| MUBEC | Current Code |
| NAFPA | Current Code |
| National Electrical Code | Current Code |
| State Plumbing Code | Current State Code |

APPROVED

Waterville City Council
Effective: June 4, 2007
(Ordinance 05-2007)

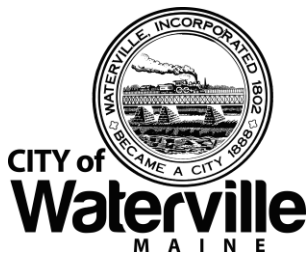
As Amended July 6, 2010

(Ordinance 03-2010)

As Amended June 19, 2012

Effective: July 23, 2012

(Ordinance 132-2012)



PUBLIC SAFETY ORDINANCE

Table of Contents

Article I. Fire Prevention

- Sec. 1-1. Codes adopted.
- Sec. 1-2. Application and interpretation of codes.
- Sec. 1-3. Power to modify codes; recording required.
- Sec. 1-4. Storage limits for flammable materials above ground.
- Sec. 1-5. Placement of dumpsters.
- Sec. 1-6. Unauthorized use of dumpsters

Article II. Police

- Sec. 2-1. Removal of nuisances, obstructions, impediments, inflammable matter from public ways.
- Sec. 2-2. Delegation of municipal officers' power to the chief of police to authorize law enforcement officers to represent the municipality in the District Court, District Seven, Division of Northern Kennebec.
- Sec. 2-3. Police officers subject to call; report.
- Sec. 2-4. Permission to perform certain acts outside city limits.

Article III. Public Assemblies

- Sec. 3-1. Meetings involving fewer than ten (10) people.
- Sec. 3-2. Meetings involving between ten (10) and fifty (50) people.
- Sec. 3-3. Meetings involving more than fifty (50) people.

Article IV. Miscellaneous Offenses.

- Sec. 4-1. Discharge of firearms.
- Sec. 4-2. Bow and arrow.
- Sec. 4-3. Curfew--Definitions.
 - Sec. 4-3.1. Same--For minors.
 - Sec. 4-3.2. Same--Parents' responsibility.
 - Sec. 4-3.3. Same--Violation; procedures.
 - Sec. 4-3.4. Same--Penalties.
- Sec. 4-4. Park hours established; use of parks restricted; penalty.

Article. V. Penalties.

ARTICLE I. FIRE PREVENTION

***State law references:** Regulation of open burning, 12 M.S.R.A. §§ 9321-9326.

Sec. 1-1. Codes adopted.

The city hereby adopts under authority of Title 30-A MRSA section 3003, for the purpose of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, those certain codes known as the International Building Code, the latest edition of the Uniform Fire Code (*N.F.P.A. 1*), and the latest edition of the Life Safety Code (*N.F.P.A. 101*), as recommended by the National Fire Protection Association, being the whole thereof, of which codes not less than one (1) copy has been and is now filed in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 1-2. Application and interpretation of codes.

Wherever there appear inconsistent provisions between the Uniform Fire Code and the Life Safety Code, the stricter or more stringent of the provisions shall apply and prevail. The fire chief or his designee, in his discretion, shall determine which of the two (2) provisions is the stricter or more stringent, and the same shall apply.

Sec. 1-3. Power to modify codes; recording required.

The Fire Chief or his designee shall have power to modify any of the provisions of the Uniform Fire Code and Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief or his designee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 1-4. Storage limits of flammable materials above ground.

The limits and above ground storage practices of flammable/combustible liquids or gases shall be made compliant to appropriate Code regulations. In addition, the locations of above ground storage shall be subject to the Zoning Ordinances of the City of Waterville.

Sec. 1-5. Placement of dumpsters.

Any dumpster must be placed at least twenty (20) feet from any surrounding building, unless the owner of the dumpster obtains a permit from the fire chief or his designee. Such permit shall be granted if the proposed location of the dumpster does not present a fire danger to surrounding buildings.

Sec. 1-6. Unauthorized use of dumpster.

No one may place garbage or trash in a privately-owned waste receptacle without the express permission of the owner. No one may place garbage or trash gathered from a residence or place of business in a publicly-owned waste receptacle.

Cross references: Solid Waste Ordinance of the City of Waterville.

ARTICLE II. POLICE

Sec. 2-1. Removal of nuisances, obstructions, impediments, inflammable matter from public ways.

The police chief or his officers shall, from time to time, inspect the streets of the city and shall order the removal or cause to be removed therefrom all nuisances, obstructions, impediments, and matter which may be dangerous on account of liability to catch fire. Such removal shall be at the expense of the person depositing the same, should he be known, otherwise at the expense of the city. The owner or occupant of premises so ordered to remove such matter shall obey the order within twenty-four (24) hours.

Sec. 2-2. Delegation of municipal officers' power to the chief of police to authorize law enforcement officers to represent the municipality in the District Court, District Seven, Division of Northern Kennebec.

In accordance with the authority granted in 30 M.R.S.A. section 2361, subsection 3, the City Council does hereby delegate its power to the Chief of Police to authorize certain law enforcement officers to represent the City in District Court, District Seven, Division of Northern Kennebec, in the prosecution of alleged violations of ordinances which the officers may enforce.

Only those law enforcement officers who are certified by the Maine Criminal Justice Academy under 25 M.R.S.A. section 2308, subsection 3-A may represent the City of Waterville under the provisions of this section 20-7. The authority and assignment of law enforcement officers hereunder shall be the responsibility of the Chief of Police or the Deputy Chief of Police. The city solicitor shall be provided at least seven (7) days prior to hearing with a listing of all docketed matters citing the specific ordinances involved.

Sec. 2-3. Police officers subject to call; report.

The police officers shall at all times, either by day or night, be subject to be called upon by the, Chief of Police or his designee to assist in quelling any riot or disturbance or arresting any offenders, or to perform any other duties of policemen that may be required of them, and they shall daily report all arrests and other acts performed by them to the chief of police.

Sec. 2-4. Permission to perform certain acts outside city limits.

Waterville Police Officers are authorized to perform the following acts outside the city limits:

- a. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B, or C crime defined in Title 17-A chapters 9, 11, 13, 17, 27, or 33, as amended, while the officer is on or off duty; or
- b. Arrest without a warrant a person for a crime committed in the city:
 - (1) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;
 - (2) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and
 - (3) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A, as amended.

As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2, as amended.

ARTICLE III. PUBLIC ASSEMBLIES

Sec. 3-1. Meetings involving fewer than ten (10) people.

For any meeting on City owned property reasonably expected to involve fewer than ten (10) people no advance notice to the City need be given.

Sec. 3-2. Meetings involving between ten (10) and fifty (50) people.

For any meeting on City owned property reasonably expected to involve between ten (10) and fifty (50) people advance written notice of the meeting shall be given to the Police Department and to the Department of Parks and Recreation. The notice shall be given no later than the first announcement of the meeting and shall include the following:

- a. A precise description of the City land to be used.
- b. The type of meeting.
- c. The date, time and duration of the meeting.
- d. Name, address, telephone number and e-mail address (if available) of the organizer of the meeting.

Sec. 3-3. Meetings involving more than fifty (50) people.

For any meeting on City owned property reasonably expected to involve more than fifty (50) people a permit must first be obtained from the chief of police or his designee. The request for a permit must be made no later than the first announcement of the meeting and shall include the information required when notice of a meeting is given. The permit shall be granted but may be subject to time, manner and place restrictions for pedestrian and traffic safety purposes. The permit may also require the provision of temporary sanitation facilities according to the size and duration of the meeting. Regardless of the size of the meeting, the meeting cannot interfere with prior scheduled uses of the same property. Also, the use shall not interfere with the public's right to make reasonable use of city or private property. No damage shall be caused to vegetation, equipment, buildings, fences or other amenities on city or private property.

ARTICLE IV. MISCELLANEOUS OFFENSES

Sec. 4-1. Discharge of firearms.

No person shall discharge any firearms, including air rifles, except in self-defense, in execution of the laws, or for the destruction of some dangerous animal:

- (a) In, upon or over any of the streets, lanes or public squares;
- (b) In, upon or over any privately owned premises without the express permission of the owner of the premises, and unless the firing is directed into a natural or artificial barrier having a sufficient depth and area to stop the missile discharged.

Sec. 4-2. Bow and arrow.

- (a) No person may be on the property of another (including city property) while in the possession of a bow and arrow unless the person is in the presence of the owner, or has the current written permission of the owner, which permission must be carried on the person.
- (b) For city property, permission must be obtained from the director of public works or his designee, who will issue permits limited in time and location according to the needs of public safety.
- (c) This article shall not apply to the transportation of a bow and arrow in a motor vehicle, nor to archery events sponsored by the city or any school or college.

Sec. 4-3. Curfew -- Definitions.

For purposes of sections 4-3--4-3.4, the terms, phrases, words, and their derivations shall have the meaning given herein. All of those rules of construction contained in Article I, Sec. 1-1 of the Administrative Ordinance of the City of Waterville shall be fully applicable to these curfew provisions.

Custodian is any person over the age of eighteen (18) who is acting instead of the parent or guardian of a minor.

Guardian is any person other than the parent who has legal guardianship of a minor.

Minor shall mean any person under the age of sixteen (16).

Parent is the natural or adoptive parent of a minor.

Public place shall mean any street, alley, town way, sidewalk, park area, playground, or place to which the general public has access and right to use such place for business, entertainment, amusement or other lawful purposes, a public place for business, by way of example, but not by limitation, includes parking areas of shopping malls and the Concourse area, and areas adjacent to restaurants and places of amusements.

Sec. 4-3.1. Curfew -- For minors.

It shall be unlawful for any minor to remain, wander, stroll, or play in any public place either on foot or in or on any vehicle, self-propelled or otherwise, in, about, or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian of a minor child, or a minor is on an emergency errand or specific business or activity either directed or permitted by the parent, guardian or custodian of the minor or where the presence of such minor is connected with or required by some legitimate employment or occupation.

Sec. 4-3.2. Curfew -- Parents' responsibility.

It shall be unlawful for the parent, guardian or custodian of any minor to suffer or permit, or by negligent or inefficient control to allow, such minor to be in any public place within the hours set for minors in Sec. 4-3.1. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian or if the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or custodian, or if the parent, guardian, or custodian has notified the police department that the minor is a missing person.

Sec. 4-3.3. Curfew -- Violation; procedures.

- (a) Any police officer ascertaining that a minor is in violation of Sec. 4-3.1 shall direct or take the minor to the minor's home. The police officer shall forthwith attempt to contact with the minor's parents and advise the parent of the curfew violation.
- (b) The police officer shall complete a written report of the violation and detail all action taken.

Sec. 4-3.4. Curfew -- Penalties.

The first violation of the curfew shall result in a notification of violation to the parent, guardian, or custodian. A second violation shall result in a citation and a summons to the parent, guardian, or custodian to the district court for violation of the curfew and shall be subject to a fine of twenty-five dollars (\$25.00). Every violation resulting in a citation and a summons to court after the issuance of the first citation and summons shall carry an additional fine of twenty-five dollars (\$25.00) up to a maximum of one hundred dollars (\$100.00). Thereafter, each citation and

summons shall carry a fine of not less than one hundred dollars (\$100.00) to be paid by the parent, guardian or custodian.

Sec. 4-4. Park hours established; use of parks restricted; penalty.

For the purpose of maintaining all public parks in the City, it is hereby enacted that all parks shall be opened to the public every day from 6:00 a.m. to 12:00 midnight, unless otherwise posted by the director of parks and recreation. Any and all persons in the parks at any time other than the designated hours herein shall be considered trespassing and unlawfully on city property and subject to prosecution under this section; provided however, this section shall not apply when a permit allowing for different hours is issued under Article III of this ordinance.

ARTICLE V. PENALTIES

Violation of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Sec. 2-9 of the Administrative Ordinance of the City of Waterville.

A blue, stylized stamp with the word "APPROVED" in all capital letters, with a slight shadow effect.

Waterville City Council
Effective: February 3, 2007
(Ordinance 24-2006)



PURCHASING ORDINANCE

(As amended 8/9/2010)

ARTICLE I – GENERAL

As provided for in the City Charter Article VII, Section 5, the purpose of this ordinance is to provide procedures for the purchase or lease of equipment, supplies or services for the City of Waterville. The current policy of the City is to maintain a decentralized purchasing process which shall be monitored by the City Manager and Finance Director.

ARTICLE II – PURCHASES OR LEASES OF \$10,000 OR LESS

Department Directors are authorized to approve purchases of equipment, supplies or services of \$10,000 or less in value, providing such purchases have been approved by the City Manager and are part of the department's annual budget appropriation. In addition, Department Directors are responsible for the following:

- a. To make every effort to secure the best possible price for all purchases or leases of \$10,000 or less. This may involve an informal bidding process when, in the opinion of the City Manager or the Department Director, there are multiple vendors for that particular product or service.
- b. To plan future purchases to provide ample time to secure favorable prices.
- c. To assure that a sufficient unencumbered balance remains in the Department's appropriation before a purchase is made.
- d. To advise and obtain approval from the City Manager for any purchase necessary for the continued operation of the Department which purchase may not have been approved in the annual appropriation or which purchase may exceed the department's total available funds.
- e. All leases and capital expenditures of \$5,000 or over require a purchase requisition signed by the Department Director, or his designee and the City Manager or Finance Director in his absence, prior to submittal to the Finance Office for payment.

The City Manager shall insure that the requirements of this ordinance are not circumvented by multiple or separate purchases of \$10,000 or less to avoid the bid requirements as outlined below.

ARTICLE III – PURCHASES OR LEASES IN EXCESS OF \$10,000

All purchases or leases in excess of \$10,000 shall require a competitive bid process which is subject to review and approval by the City Council. This requirement shall not apply to the services of expert witnesses to be employed by the City in present or anticipated legal action.

The following procedures shall be followed for all purchases and leases in excess of \$10,000.

- a. In addition to notification to all known and interested vendors, the City shall publish a notice in a local newspaper or one with statewide circulation no later than five (5) days before the bid deadline.
- b. The City Manager and/or the Department Director shall make every effort to insure that at least three (3) responsible bidders have been contacted for each purchase.
- c. All bids received shall be sealed and opened in public at the hour stated in the notice.
- d. All original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of the permanent file or record and shall be open to public inspection upon request.
- e. All purchases and leases in excess of \$10,000 require a purchase requisition and a copy of the signed resolution or order approved by Council prior to submittal to the Finance Office for payment.
- f. Items such as solid waste tipping fees, insurance costs, fuel purchase and other similar operational expenses approved by the Council as part of the annual budget process shall be exempt from the requirements of this section.
- g. If a purchase/project requires multiple payments, each invoice submitted for payment, after the original, must clearly reference the approved purchase order number and the approved Council Resolution or Order number or the invoice will be returned without payment.

ARTICLE IV – BID REVIEW, APPROVAL OR REJECTION

Contracts for the purchase or lease of equipment, supplies or services in excess of \$10,000 shall be awarded only after authorization by the City Council. Written specifications for the purchase of such goods or services shall not be prepared so as to exclude all but one vendor.

In addition to price, the Council may consider the following in determining the lowest responsible bidder:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- d. The quality of performance of previous contracts or services as may be in part determined by contract with previous contractors;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- f. The financial capability of the bidder to perform the contract or provide the service;

- g. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- i. The number and scope of conditions attached to the bid; and
- j. The energy efficiency of the product.

For all purchases, the City reserves the right to accept and/or reject any and all bids or portions thereof.

ARTICLE V – WAIVER OF BID PROCESS

Notwithstanding the foregoing requirements of Article IV, the bid process may be waived under one or more of the following conditions:

- a. Price has been determined by a current and still valid bid process conducted by a recognized operating division of the state or county governments or the City Board of Education or a joint group composed of municipalities or quasi-municipal entities.
- b. When the Council is provided with factual data submitted by the administration that the price under consideration is the best available price and that due to circumstances beyond the control of the administration, there is an insufficient time to resort to the normal bid process.
- c. When it is provided with factual data submitted by the administration that the matter under consideration is unique or non-competitive.
- d. The Council may extend a contract for goods/services when it determines that it is in the best interest of the City to do so. Said extension shall be for no more than two (2) years and will require a positive report from the administration that the contractor/vendor has met all contractual obligations and that there are important reasons to continue the relationship.
- e. When projects are entirely funded with privately raised funds.

To waive the bid process, the City Council must determine by a two thirds majority of the Council members present that a, b, c, d or e above exists.

ARTICLE VI – QUALITY BASED SELECTION

Notwithstanding the requirements of Article IV and Article V, projects that require a consultant or design professional to prepare plans and specifications for bidding, or as otherwise required by agreements made with State or Federal agencies providing funding, the selection of design professionals or consultants may be made utilizing Quality Based Selection (QBS). The following method shall be utilized for such selections.

- a. Requests for Proposals (RFP) shall be prepared that define the overall goals of the service to be provided. In addition to notifying known interested providers, proposals shall be solicited by advertising in a local newspaper or one with statewide circulation well in advance of the deadline for submission, but in no case less than 5 days before the deadline.

- b. The City Manager, or Department Head, shall establish a Review Team, consisting of persons with specialized knowledge or understanding of the proposed project. An essential element to be included in the RFP is a presentation of the scoring system that the Review Team will utilize to select the successful consultant.
- c. The responders to the RFP must submit two separate sealed envelopes to the City. One sealed envelope shall be clearly marked QUALIFICATIONS. The information contained in this envelope shall not contain any discussion of price or cost. The information contained in this envelope shall present the qualifications of the firm, qualifications of individuals within the firm, references, understanding of the project, permitting issues, unusual design issues, and similar material that will allow the Review Team to rate the proposal, in accordance to the previously defined scoring criteria. The second sealed envelope shall be clearly marked COST ESTIMATE and shall contain a detailed breakdown of the Scope of Services including estimated costs for services.
- d. Upon receipt of the proposals, the Review Team will open the QUALIFICATIONS documentation of each responder, but shall not open any COST ESTIMATE envelope. The Review Team shall score the QUALIFICATIONS presentation of each responder and the Review Team shall rank the proposals from most qualified to least qualified. At this point, the Review Team may schedule interviews with the most qualified firms to further refine the ranking. Only after the ranking of most qualified to least qualified is complete will the Review Team open the sealed COST ESTIMATE envelopes of the most qualified responders. The Review Team shall have the latitude to determine the number of COST ESTIMATE proposals opened. No COST ESTIMATE envelope shall be opened from any responder not meeting minimum qualifications.
- e. If the cost of the anticipated contract with the successful respondent exceeds \$10,000, the City Manager shall present a report of the Review Team and a Contract for Services to the City Council for review and approval. If the cost of the anticipated contract with the successful responder is less than \$10,000, then the City Manager shall execute a Contract for Services with the successful responder.
- f. A file shall be maintained that contains all QUALIFICATIONS envelopes from all RFP responders, the Review Team Report, and the Contract for Services. The file shall be available for public inspection upon request.

If State or Federal regulations or agreements require deviation from the above QBS methodology, then the State or Federal methods shall be used to secure professional services.

APPROVED

Waterville City Council
Effective: March 23, 2008

*Amended August 9, 2010
(Ordinance 06-2010)*

City of Waterville Sex Offender Residency Restriction Ordinance

A. Findings/ Purpose

(1) The City of Waterville promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance;

(2) The City of Waterville recognizes that sex offenders who prey upon children have a high rate of recidivism;

(3) Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to Title 34-A, Chapter 15, in order to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning those registrants and offenders, the City finds that further protective measures are necessary and warranted to safeguard places where children congregate; and

(4) The purpose of this section is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

B. Authority

This section is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014.

C. Application

This section applies to persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction. A person to whom this section applies is referred to as a "sex offender.

The word “children” when used in determining restricted areas means persons under the age of 18 years.

D. Restricted areas.

(1) No sex offender shall reside within 750 feet of the property line of any non-profit, public or private elementary, middle or secondary school.

(2) No sex offender shall reside within 750 feet of any publicly owned property where children are the primary users. Without limiting the application of this subsection, any public park containing playground equipment or a municipal pool shall be deemed to be municipally owned property where children are the primary users. For

the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

(3) No sex offender shall reside within 750 feet surrounding the real property of a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. For the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

4. No property owner may lease, rent or allow residential use of real property by a designated sex offender within the setback of 750 feet from any restricted property.

5. For a first offense only of this restriction, a sex offender shall have **35** days following the date of mailing or actual notice is received, whichever first occurs, as required by Subsection F below to move from the residence to a residence not within the areas restricted by the provisions of this section and by so moving avoid the fines and penalties imposed by Subsection F below.

E. Exemption.

1. Any sex offender actually residing within a restricted area on the effective date of this section is not subject to the restrictions contained in Subsection D while that person continues to reside in that dwelling. Upon moving from such dwelling, the sex offender shall comply with the restrictions contained in Subsection D.
2. A property owner leasing or renting a residence for use by a designated sex offender within the setback of a restricted property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this section. A property owner is not in violation of this section if the restricted property is created, moved or enlarged which results in a designated sex offender residing in the setback, as long as the residency was in place prior to the creation, movement or enlargement and the residency has been consistently maintained.

F. Violations and penalties.

1. Any sexual offender who continues to reside in a restricted area more than **35** days after notice is mailed to the offender or actual notice is received, whichever first occurs, is in violation of this ordinance.

2. Any property owner leasing or renting any residence to a sex offender within a restricted area who fails to either have the sex offender removed from the residence or to have initiated a forcible entry and detainer action against the sex offender within 35 days after actual notice was received or written notice mailed, whichever first occurs, shall be in violation of this ordinance.

3. The civil penalty for a violation of this ordinance is \$500, which cannot be suspended. Each day shall be considered a separate violation.

4. In addition to the civil penalty the City shall be entitled to injunctive relief to ensure compliance with this ordinance.

5. If the City is the prevailing party in any action to enforce this ordinance, it shall be awarded reasonable attorney's fees and costs.

G. The attached Section G Residential Exclusion Map and Section G Address Exclusion List showing areas where sex offenders cannot reside is incorporated by reference herein as part of this ordinance. If there is any conflict between the map and the written address exclusion list, the written address exclusion list shall prevail.

.

.



SITE PLAN REVIEW & SUBDIVISION ORDINANCE

CITY OF WATERVILLE, MAINE

As amended: February 24, 2015
(Effective: March 6, 2015)

Table of Contents

| | |
|-------------|---|
| Article 1. | Purpose, Applicability, and Standards of Review, 1.1--1.5 |
| Article 2. | Authority and Administration, 2.1, 2.2 |
| Article 3. | Definitions, 3.1 |
| Article 4. | Informal Pre-application Review, 4.1, 4.2 |
| Article 5. | Application Fees and Escrow Account, 5.1, 5.2 |
| Article 6. | Performance Guarantees, 6.1--6.11 |
| Article 7. | Review and Approval of Minor Subdivisions and Development Sites, 7.1--7.6 |
| Article 8. | Preliminary Plan for Major Subdivisions and Development Sites, 8.1, 8.2 |
| Article 9. | Final Plans for Major Subdivisions and Development Sites, 9.1--9.5 |
| Article 10. | Violations, Enforcement and Fines, 10.1, 10.2 |
| Article 11. | General Requirements, 11.1--11.12 |
| Article 12. | Design Standards, 12.1--12.8 |
| Article 13. | Waivers, 13.1--13.3 |
| Article 14. | Appeals, 14.1 |
| Article 15. | Validity, Separability and Conflict with Other Ordinances, 15.1--15.4 |
| Appendix | |

ARTICLE 1. PURPOSE, APPLICABILITY, AND STANDARDS OF REVIEW

1.1. Purpose.

1.1.1. The purpose of this ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the City of Waterville, Maine; to protect the environment and to promote the development of an economically sound and stable community. In reviewing site plans and approving subdivisions, the planning board shall consider the requirements of this ordinance before granting approval, approval with conditions, or denial, and shall make findings of fact that the provisions of this ordinance have been met and that proposed standards meet the guidelines of the state law Title 30-A MRSA section 4404, as amended from time to time.

1.2. Applicability.

1.2.1. The provisions of this ordinance shall apply to all site plans reviewed by the planning board as required by the city's zoning ordinance, and all proposed subdivisions as defined by state law in Title 30-A MRSA section 4401, as amended from time to time.

1.2.2. For those site plans and proposed subdivision plans approved by the planning board or the municipal officials prior to the enactment of this ordinance, the developer shall provide affirmative evidence that such a project complied with all laws then in effect at the time of approval. If such a plan was also required to be legally recorded in the Kennebec County Registry of Deeds, the developer shall also provide evidence that this was done.

1.2.3. If the provisions in section 1.2.2. are applicable and cannot be satisfied, the developer shall be required to reapply for approval according to the terms and conditions of this ordinance.

1.3. Standards of review.

1.3.1. The planning board shall consider the following criteria before granting approval and shall make findings of fact that for all site review or subdivision applications, the proposed development:

1.3.1.A. Will not result in undue water or air pollution on and off site. In making this determination, it shall at least consider:

1.3.1.A(1) The elevation of land above sea level and its relation to the floodplain;

1.3.1.A(2) The nature of soils and subsoils and their ability to adequately support waste disposal;

1.3.1.A(3) The slope of land and its effect on effluents;

1.3.1.A(4) The availability and capacity of streams and other vehicles for disposal of effluents;
and

1.3.1.A(5) The applicable state and local water resources regulations.

1.3.1.B. Has sufficient water available for the reasonably foreseeable needs of the development including, but not limited to, potable water and fire control water.

1.3.1.C. Will not cause an unreasonable burden on existing water supply including private water systems or the Kennebec Water District, whichever is to be utilized. The developer shall provide the planning board with a letter from the Kennebec Water District stating this fact.

1.3.1.D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result either on or off site. If the development proposed to discharge stormwater runoff at an increased rate compared to pre-application rate into a municipal

stormwater system, then the developer shall improve or pay for the improvement of that municipal storm water system so that it will have the capacity to handle such an increase.

1.3.1.E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed, both on and off site. If the developer is required to submit a traffic impact analysis for off-site traffic, as required in 8.2.2.AE and as a result changes and/or improvements are needed on state or municipally owned or maintained public ways, the developer shall make or pay for such changes and/or improvements. The developer shall provide the planning board with letters from the city engineer and appropriate state agencies stating that the development will not cause unreasonable congestion or unsafe conditions. If there is a determination of unreasonable congestion or unsafe conditions, the developer must provide specifics of any requested changes made by the city engineer or state agencies.

1.3.1.F. Will provide for adequate solid and sewage waste disposal.

1.3.1.G. Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage whether by municipal or quasi-municipal sources, private hauler, or other approved means, and has made adequate provision for that disposal. If demolition debris, stumps, and brush are to be disposed of, they shall be disposed of on-site if possible, and if they are to be disposed of at a municipal site, the cost of that disposal shall be paid for by the developer. If the development will use more than one-third of the available excess capacity of any portion of the sewage collection systems, treatment facility, and/or its discharge permits, the developer shall pay for the replacement of the available excess capacity needed by the development if so required by the Waterville Sewerage District. The developer shall provide the planning board with a letter from the Waterville Sewerage District concerning this requirement.

1.3.1.H. Will not have an undue adverse effect on the scenic or natural beauty of the area, esthetics, historic sites, or rare and irreplaceable natural areas, or any public rights for physical or visual access to shoreline.

1.3.1.I. Is in conformance with any duly-adopted City of Waterville regulation or ordinance, comprehensive plan, development plan, and/or land use plan. In making this determination, the planning board is authorized to interpret these ordinances and plans in conjunction with the solicitor.

1.3.1.J. The developer has adequate financial and technical capacity to meet the above-stated standards.

1.3.1.K. Whenever situated, in whole or in part, within two hundred fifty (250) feet of the normal high-water line of the Kennebec River, the Messalonskee Stream, a stream, tributary stream, or minor waterway, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water, and complies with section 4.3.25 of the zoning ordinance.

1.3.1.L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater both on and off site; and if a hydrogeological assessment is requested, such assessment will comply with section 4.3.15 of the zoning ordinance.

1.3.1.M. Will at least meet all of the requirements of the city's Floodplain Management Ordinance.

1.3.1.N. Will identify on any maps submitted as a part of an application under this ordinance all potential wetlands within the proposed site or subdivision regardless of the size of these wetlands, and any river, stream, or brook, as defined in Title 38 MRSA section 480-B, 9, as amended from time to time, that is within or abuts the subject property of the application.

1.4. Solar access.

The planning board may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict, or control development through the site plan review and subdivision ordinance.

1.5. Land use controls.

The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

ARTICLE 2. AUTHORITY AND ADMINISTRATION

2.1. Authority.

2.1.1. These standards have been prepared in accordance with the provisions of Title 30-A MRSA section 4403, as amended from time to time, and all amendments thereto.

2.1.2. The standards shall be known and may be cited as "Site Plan Review and Subdivision Ordinance of the City of Waterville, Maine"

2.2. Administration.

2.2.1. The planning board of the City of Waterville, hereinafter called the board, shall administer this ordinance. The code enforcement officer shall have enforcement responsibilities for this ordinance.

2.2.2. No building permit or plumbing permit or certificate of occupancy shall be issued by the municipal officers or code enforcement officer for any use or development within the scope of this ordinance unless and until a site plan of development or subdivision application has been reviewed and approved by the planning board.

2.2.3. Consistent with requirements of this ordinance, the planning board shall promulgate and shall annually update a checklist summarizing the tasks, studies, and activities, that the developer will need to undertake, the data that must be furnished and the specific individuals, agencies and offices to which this information must be submitted by the developer. This checklist and the steps it prescribes, must be completed by the developer and declared complete by the planning board in order to initiate the review process.

ARTICLE 3. DEFINITIONS

3.1. Definitions.

In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Abutting property owner: One whose property abuts, is contiguous, or joins at a border or boundary including the property across the street, road, public way or private road.

Authorized agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Comprehensive plan or policy statement: Any part or element of the overall plan or policy for development of the city as defined in Title 30-A MRSA section 4326 (1 to 4) as amended from time to time.

Construction drawings: Drawings showing by way of example only the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross-section of streets, miscellaneous structures.

Development/project: Any property and/or structure subject to the regulations of this ordinance.

Dwelling unit: A "dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Easement: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Effluents: Waste material discharged into the environment including, but not limited to, storm waters and surface waters.

Engineer: City engineer or his/her agent, licensed by the State of Maine.

Final plan: The final drawings on which the developer's plan of subdivision or applicable site is presented to the planning board for approval and which, if approved, shall be filed for record with the code enforcement officer and the Kennebec County Registry of Deeds; provided that the final drawings are in conformity with the requirements of Title 33 MRSA section 652 as amended from time to time.

Legislative body: City council.

Municipality: City of Waterville.

Official map: The map adopted by the municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the municipality or additions thereto resulting from the approval of subdivision plans by the planning board and the subsequent filing for record of such approved plans.

Official submittal date: The time of submission of a pre-application plan, final plan for minor subdivision, preliminary plan for major subdivision or final plan for major subdivision shall be considered the submission date of the application for such plan approval to the board, complete and accompanied by any required fee and all data required by these standards.

Open space land: Any area of land, the preservation or restriction of the use of which would conserve scenic resources, enhance public recreation opportunities, promote game management, or preserve wildlife.

Person: Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Planning board: The planning board of the municipality which acts as the municipal reviewing authority as provided for in Title 30-A MRSA sections 4301(12) and 4403(1), as amended from time to time.

Planting screen easement: A visual buffer consisting of dense vegetation which at maturity is sufficient to substantially screen the use indicated.

Preliminary plan: The preliminary drawings indicating the proposed layout of the development to be submitted to the planning board for its consideration.

Private road: A minor residential street serving no more than three (3) dwelling units, which is not intended to be dedicated as a public street. This definition includes driveways serving as few as one (1) dwelling unit, when there is insufficient frontage on a public street. Private roads are subject to the performance standards of the zoning ordinance.

Quasi-municipal services: Including but not necessarily limited to, the Kennebec Water District, the Waterville Sewerage District, and the Kennebec Sanitary Treatment District.

Resubdivision: The further division of an existing subdivision or any change of lot size therein or the relocation of any street or lot line in a subdivision.

Street: The word "street" means an existing state, county, or city way or a street dedicated for public use and shown upon a plan duly approved by the planning board and recorded in the Kennebec County Registry of Deeds. The term "street" shall not include those ways which have been discontinued, vacated or abandoned.

Structure or structures, new: New structure or structures include any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this ordinance.

Structure, principal. Principal structure is defined to mean the building or structure in which the main use of the premises takes place.

Subdivider: An individual, firm, or association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, who or which proposes to build a subdivision. The term "subdivider" includes "developer" and "builder."

Subdivision: Subdivision is defined as in Title 30-A MRSA 4401 as amended from time to time. (See Appendix.) A lot of forty (40) acres or more shall not be counted as a lot for the purposes of this definition, except where the parcel of land being divided is located partially or wholly within the shoreland zone as defined in the zoning ordinance.

Subdivision, major: Any subdivision containing five (5) or more lots, or any subdivision requiring any new street extension or construction, or the construction or extension of public utilities.

Subdivision, minor: A subdivision containing three (3) or four (4) lots and no street or utilities extension.

Wetlands: Wetlands means swamps, marshes, bogs, and similar areas which are:

- a. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- b. Not considered part of a great pond, river, stream or brook.

The areas defined herein may contain small stream channels or inclusions of land that do not conform to the criteria of wetland as defined herein.

ARTICLE 4. INFORMAL PREAPPLICATION REVIEW

4.1. Procedure.

4.1.1. Whenever any subdivision or site review plan, as required by the zoning ordinance, is proposed to be made, and before making a formal application for approval of a plan or permit, the applicant shall submit to the planning board a sketch plan of the subdivision or site, buildings, and surrounding land for informal review.

4.1.2. In order to avoid unnecessary delays in processing applications, the board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the board's agenda at least two (2) weeks in advance of a regularly scheduled meeting by contacting the chairman. Applicants who attend the informal pre-application review meeting but who are not on the board's agenda may be heard but only after all agenda items have been completed and then only if a majority of the board so votes.

4.1.3. At the time the sketch plan is submitted, there will be a question and answer period. The board may make specific suggestions to be incorporated into subsequent submissions.

4.1.4. If the planning board desires a view of the site, the applicant shall arrange inspection of the site with the planning board or a committee member or individual appointed by the chairman to act as the board's representative for that inspection.

4.1.5. Within thirty (30), days the board shall determine and inform the applicant in writing of the contour interval required on the plan and hold an on-site inspection of the property, if requested by the board.

4.1.6. The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 MRSA section 302, as amended from time to time. In the case of a subdivision as defined in Title 30-A MRSA section 4401, as amended from time to time, and herein, after preliminary inspection, the planning board will classify the sketch plan into categories as defined herein: Minor subdivision; major subdivision.

4.1.7. If classified as a minor subdivision, the subdivider shall then comply with the procedures outlined in Article 7 of these standards. If classified as a major subdivision the subdivider shall comply with the procedures outlined in Articles 8 and 9 of these standards.

4.1.8. All projects in excess of ten thousand (10,000) square feet of total building footprint to which this ordinance is applicable shall comply with the procedures outlined in Article 8 and Article 9 of these standards; otherwise, the procedures outlined in Article 7 shall apply.

4.1.9. No fee shall be charged for the informal pre-application review.

4.2. Submissions.

4.2.1. The applicant shall submit the sketch plan to the planning board at least two (2) weeks in advance of a regularly scheduled meeting.

4.2.2. The sketch plan shall show, in simple sketch form on a topographic map the proposed layout of streets and lots, location of all existing and proposed buildings and structures, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should include the data listed in section 7.3 or such of it as the planning board determines is necessary for its consideration of the proposed sketch plan.

4.2.3. General information shall describe or outline existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include data on existing covenants, soils, and available community facilities and utilities, as well as information specific to the proposal itself.

ARTICLE 5. APPLICATION FEES AND ESCROW ACCOUNT

5.1. Fees.

All applications for final plan approval shall be accompanied by an application fee of one hundred dollars (\$100.00) plus an additional fifty dollars (\$50.00) for each lot or dwelling unit, or two thousand (2,000) square feet of building footprint. The application fees shall be made by check payable to the City of Waterville, Maine.

5.2. Planning Board Review Escrow account.

5.2.1. There shall be an additional payment of one hundred fifty dollars (\$150.00) for each lot or dwelling unit or each two thousand square feet of building footprint. This portion of the application fee shall be known as the planning board review escrow account. Payment shall be made by check payable to the City of Waterville, Maine, and shall be deposited in a special interest bearing bank account which is separate and distinct from all other municipal bank accounts. These funds or portions thereof may, from time to time be used by the city at the request of the planning board for purposes to be determined by the planning board in order to make payments for reasonable costs, expenses and services incurred by or contracted for by the city through the planning board at its discretion which relate directly to the review of the subdivision and/or site plan review application.

5.2.2. Such services may include, but need not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees. All such fees must relate to the review of the application pursuant to the review criteria of the City of Waterville ordinances and the laws of the State of Maine, and in addition may be used for providing notice to abutting landowners and conducting public hearings related to the planning board review of the application.

5.2.3. The planning board shall refund all of the remaining monies in the account upon the payment of all costs and services related to the planning board review, as indicated in section 5.2.2. Payment of the remaining money shall be made no later than ninety (90) days after the application for final plan approval has been granted, denied, or granted with conditions. This refund shall be accompanied by a final accounting of expenditures from the fund. The monies in the fund shall not be used by the planning board for any enforcement purposes, nor shall the applicant be liable for costs incurred by or cost of services contracted for by the planning board which exceed the amount deposited to the escrow account.

ARTICLE 6. PERFORMANCE GUARANTEES

6.1. Types of guarantee.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover total construction of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction cost:

6.1.1.A. Either a certified check payable to the City of Waterville or a savings account or certificate of deposit naming the city as owner, for the establishment of an escrow account;

6.1.1.B. A performance bond payable to the City of Waterville issued by a surety company, with a BEST's A rating or better, and approved by the municipal officers, or city administrator;

6.1.1.C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision or site plan, which the city may draw from if construction is inadequate, approved by the municipal officers, or city administrator; or

6.1.1.D. An offer of conditional agreement limiting the number of units built or lots sold until all required improvements have been constructed.

6.1.2. The conditions and amount of the performance guarantee shall be determined by the board with the advice of the city engineer, director of public works, municipal officers, and/or city solicitor.

6.2. Contents of guarantee.

The performance guarantee shall contain a construction schedule, estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the city shall have access to the funds to finish construction.

6.3. Escrow account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the City of Waterville, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider or site plan developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the account shall be returned to the subdivider or site plan developer, unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider or developer and the amount withdrawn to complete the required improvements.

6.4. Performance bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision or site plan for which approval is sought.

6.5. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision or site plan and may not be used for any other project or loan.

6.6. Conditional agreement.

The board, at its discretion, may provide for the subdivider or site plan developer to enter into a binding agreement with the municipality in lieu of other financial performance guarantees. Such an agreement shall provide for the approval of the final plan on the condition that not more than four (4) lots may be sold or built upon until either;

6.6.1. It is certified by the board or its agent that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

6.6.2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements in an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

6.7. Phasing of development.

The board may approve plans to develop a major project in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed development street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of the requirements pertaining to previous phases.

6.8. Release of guarantee.

Prior to the release of any part of the performance guarantee, the board shall determine to its satisfaction, in part upon the report of the code enforcement officer or city engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed design and construction requirements for that portion of the improvements for which the release is requested.

6.9. Default.

If, upon inspection, the code enforcement officer or city engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the municipal officers, the board, and the subdivider, developer or builder. The municipal officers shall take any steps necessary to preserve the city's rights.

6.10. Private roads.

6.10.1. Private roads are subject to the performance standards contained in 4.3.22 private roads of the zoning ordinance.

Where the development streets are to remain private roads, the following words shall appear on the recorded plan:

"All listed roads in this Development shall remain private roads to be maintained by the Developer or the lot owners (specify which) and shall not be accepted or maintained by the City of Waterville."

6.11. Improvements guaranteed.

Performance guarantees shall be tendered for all improvements required by these regulations, as well as any other improvements required by the board.

ARTICLE 7. REVIEW AND APPROVAL OF MINOR SUBDIVISIONS AND DEVELOPMENT SITES

7.1. General.

7.1.1. The planning board may require, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision or site plan comply with all or any of the requirements specified for major subdivisions or site plans.

7.2. Procedure.

7.2.1. Within six (6) months after classification of the sketch plan as a minor subdivision or site plan by the planning board, the developer shall submit an application for approval of a final plan at least fourteen (14) days prior to a scheduled meeting of the board. Failure to do so shall require submission of the sketch plan to the planning board for reclassification. The final plan shall conform to the layout shown on the sketch plan plus any recommendations made by the planning board.

7.2.2. Upon receiving an application, the planning board shall issue the applicant a dated receipt. Within thirty (30) days from receipt of an application, the planning board shall notify the applicant in writing either that the application is complete or if incomplete, the specific additional material needed to make a complete application. After the planning board has determined that a complete application for final plan has been submitted, it shall notify the applicant in writing within seven (7) days and begin its full evaluation of the proposed subdivision or site plan.

7.2.3. The developer, or his duly authorized representative, shall attend the meeting of the planning board to discuss the final plan.

7.2.4. The time of submission of the final plan shall be as defined in Article 3, "Official Submittal Date".

7.2.5. The planning board shall hold a public hearing within thirty (30) days of the submission of a completed application. Notice of the day, time, and place of the hearing shall be given to the applicant and shall be published at least two (2) times in a newspaper of general circulation in the city, the date of the first publication to be at least ten (10) days prior to the date of the hearing.

7.2.6. As soon as the hearing date is established, and at least fourteen (14) days prior to that hearing, the developer shall notify by certified mail, all owners of property abutting the proposed development specifying the location of the proposed development and a general description of the project. The developer shall provide the planning board with a copy of the certified mail receipt of all owners of property abutting the proposed development. Failure to provide all receipts may be the basis for the postponement of the hearing by the planning board.

7.2.7. The planning board shall within thirty (30) days of the public hearing, issue an order denying or granting approval of the plan and/or site plan review permit, or granting approval upon those terms and conditions as it may deem advisable to satisfy the criteria listed in section 1.3 and satisfy any other regulations adopted by the planning board and to protect and preserve the public's health, safety, and general welfare. In issuing its decision, the planning board shall make findings of fact establishing the proposed development does or does not meet the foregoing criteria. Any order, including findings of fact, will be in writing, and will reflect decisions that were made in open sessions.

7.2.8. The time frame outlined in subsection 7.2.7 of this article may be extended for a period not to exceed thirty (30) days, subject to agreement of both the applicant and the board.

7.3. Submissions.

7.3.1. The plan for a minor subdivision or development site shall consist of one original and three (3) copies of one or more maps or drawings drawn to a scale of not more than forty (40) feet to the inch. The original shall be legibly drawn in India ink, on linen, or polyester film with archival photographic image; embossed with the seal of a professional land surveyor as defined in Title 32 M.R.S.A section 18201(7), as amended from time to time; contain the signature and address of the person who prepared the plan; provide a space for recording the county, date, time, plan book and page, or file number, and registers attest; provide a title block containing the name of the plan, the record owner's name and address, the location by street and town and date of the plan; and be a minimum size of twelve (12) by eighteen (18) inches, and a maximum size of twenty-four (24) by thirty-six (36) inches in dimension. Space shall be

reserved thereon for endorsement by all appropriate agencies. The application for approval of a minor subdivision or development site shall include all the information presented on the sketch plan plus the following:

7.3.1.A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

7.3.1.B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor as defined in Title 32 M.R.S.A. section 18201(7), as amended from time to time. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the plan.

7.3.1.C. Identification of the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. All potential wetlands within the proposed site or subdivision identified on maps regardless of the size of the wetlands.

7.3.1.D. All on-site sewerage and water supply facilities shall be shown designed to meet at least the minimum specifications of these standards and all pertinent state laws and local ordinances. Compliance shall be stated on the plan and signed by the superintendent or engineer of each utility.

7.3.1.E. Proposed name of the development or identifying title, and the name of the municipality in which it is located.

7.3.1.F. The date, north point, graphic map scale, name and address of record owner and developer, and the names of adjoining property owners.

7.3.1.G. A soil erosion and sediment control plan containing the endorsement of the city engineer.

7.3.1.H. Any and all other recommendations and/or stipulations the board may make as a result of the informal pre-application review including, but not limited to, any and all requirements specified for major subdivisions or site plans.

7.3.1.I. Building plans showing, as a minimum, the first floor plan or other outside access plan and all elevations, with indication of proposed material and color of all proposed principal buildings and structures and all accessory buildings and structures.

7.4. Final approval and filing.

7.4.1. Upon completion of the requirements in this article and notation to that effect upon the plan, said plan shall be deemed to have final approval and shall be properly signed by a majority of the members of the planning board and a copy of said plan shall be filed by the applicant with the office of the code enforcement officer. The original plan shall then be filed with the Kennebec County Registry of Deeds. Any plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the planning board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the planning board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.

7.4.2. After final approval all projects must be commenced within twelve (12) months and completed within twenty-four (24) months unless a special schedule has been approved by the planning board or an extension has been granted by the planning board. Any project failing to meet the requirements of this section shall be required to resubmit an application for final approval. Upon determining that a site plan or subdivision approval has expired under this paragraph, the board shall place a notice in the registry of deeds to that effect.

7.5. Plan revision after approval.

7.5.1. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the planning board and endorsed in writing on the plan, unless the plan is first resubmitted and the planning board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void and the board shall institute proceedings to have the plan stricken from the records of the code enforcement officer and the registry of deeds.

7.6. Public acceptance of streets, recreation areas.

7.6.1. The approval of the planning board of a final plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan.

7.6.2. When a park, playground, or other recreation area is shown on the plan, approval of the plan shall not constitute an acceptance by the municipality of such areas. The planning board shall require the plan to be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and the municipal officers covering future deeds and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE 8. PRELIMINARY PLAN FOR MAJOR SUBDIVISIONS AND DEVELOPMENT SITES

8.1. Procedure.

8.1.1. Within six (6) months after classification of the sketch plan as a major subdivision or applicable site plan by the planning board, the developer shall submit an application for the consideration of a preliminary plan. Failure to do so shall require resubmission of the sketch plan to the planning board for reclassification. The preliminary plan shall conform to the layout shown on the sketch plan plus any recommendations made by the planning board.

8.1.2. Upon receiving the application, the planning board shall issue the applicant a dated receipt. Within thirty (30) days of receiving the application, the planning board shall notify the applicant in writing that either the application is complete or, if incomplete, specific additional material needed to make a complete application. If a complete application has been submitted, the planning board shall notify the applicant in writing within seven (7) days and begin its full evaluation of the proposed project.

8.1.3. The developer, or his duly authorized representative, shall attend the meeting of the planning board to discuss the preliminary plan.

8.1.4. The time of submission of the preliminary plan shall be as defined in Article 3, "Official Submittal Date".

8.1.5. The planning board shall hold a public hearing within thirty (30) days of the submission of a complete application. Notice of the date, time and place of the hearing shall be given to the applicant and shall be published at least two (2) times in a newspaper of general circulation in the city, the date of the first publication to be at least ten (10) days prior to the hearing.

8.1.6. As soon as the hearing date is established, and at least fourteen (14) days prior to that hearing, the developer shall notify by certified mail, all owners of property abutting the development subdivision specifying the location of the proposed development and a general description of the project. The developer shall provide the planning board with a copy of the certified mail receipt of all owners of

property abutting the proposed development. Failure to provide all receipts may be the basis for the postponement of the hearing by the planning board.

8.1.7. The planning board shall, within thirty (30) days of the public hearing, issue an order denying or granting preliminary approval of the preliminary plans, or granting approval upon those terms and conditions deemed advisable to satisfy the criteria listed in section 1.3 and to satisfy any other regulations adopted by the planning board and to protect the public's health, safety and general welfare. In issuing its decision, the planning board shall make findings of fact establishing that the proposed subdivision or site plan does or does not meet the foregoing criteria. Any order, including findings of fact, will be in writing, and will reflect decisions that were made in open sessions.

8.1.8. When granting preliminary approval to a preliminary plan, the planning board shall state in writing the conditions of such approval, if any, with respect to:

8.1.8.A. The specific changes which it will require in the final plan; and

8.1.8.B. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare. The decision of the planning board plus any conditions imposed shall be noted on three (3) copies of the preliminary plan. One copy shall be returned to the applicant, one retained by the planning board and one forwarded to the municipal officers.

8.1.9. The final plan shall be submitted for approval of the planning board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final plan, the planning board may require additional changes as a result of new information obtained at the public hearing. If the preliminary plan meets all the requirements of the final plan, then that approval constitutes final approval.

8.2. Submissions.

8.2.1. Location map. The preliminary plan shall be accompanied by a location map showing the relation of the proposed development to adjacent properties and to the general surrounding area. The location map shall show:

8.2.1.A. All the area within two thousand (2,000) feet of any property line of the proposed development, including:

8.2.1.A(1) All existing subdivisions, locations, widths and names of existing or proposed streets, easements, and alleys pertaining to the proposed development and to the adjacent properties.

8.2.1.A(2) An outline of the proposed development site or subdivision, and where applicable, its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plan submitted covers only part of the applicant's entire holding.

8.2.2. Preliminary plans. The preliminary plan shall be submitted in four (4) copies of one or more maps or drawings drawn to scale of not less than one inch equals one hundred (100) feet and not more than one inch equals four hundred (400) feet. The original shall be legibly drawn in India ink, on linen, or polyester film with archival photographic image; embossed with the seal of a professional land surveyor, as defined in Title 32 M.R.S.A. section 18201(7), as amended from time to time; contain the signature and address of the person who prepared the plan; provide a space for recording the county, date, time, plan book and page, or file number, and registers attest; and provide a title block containing the name of the plan, the record owner's name and address, the location by street and town and date of the plan; and be a

minimum size of twelve (12) by eighteen (18) inches, and a maximum size of twenty-four (24) by thirty-six (36) inches in dimension. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a major subdivision or development site shall include all the information presented on the sketch plan plus the following:

8.2.2.A. Proposed project name or identifying title and the name of the municipality, plus the assessor's map and lot numbers.

8.2.2.B. Name and address of record owner, developer and designer of the preliminary plan.

8.2.2.C. Number of acres within the proposed project, location of property lines, existing easements, buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees ten (10) inches or larger in diameter at chest height shall be shown on the plan.

8.2.2.D. Number of lots and lot boundaries.

8.2.2.E. An actual field survey of the boundary of the tract giving complete descriptive data, by bearings and distances, made and certified by a professional land surveyor as defined in Title 32 MSRA section 18201(7), as amended from time to time; the corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each corner.

8.2.2.F. The proposed lot lines with building plans showing, as a minimum, the first floor plan or other outside access plan and all elevations, with indication of proposed material and color of all proposed principal and accessory buildings and structures.

8.2.2.G. Date, true north point and graphic scale.

8.2.2.H. Contour lines at intervals of not more than five (5) feet or at such intervals as the planning board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.

8.2.2.I. A copy of the deed upon which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

8.2.2.J. A copy of any covenants or deed restrictions to be proposed by the developer intending to cover all or part of the lots in the project.

8.2.2.K. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.

8.2.2.L. The provisions of the zoning ordinance applicable to the area to be developed and any zoning district boundaries affecting the project.

8.2.2.M. The location and size of any existing sewers and water mains, culverts and drains on the property to be developed.

8.2.2.N. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed; all to be in conformity with the requirements of section 12.6.5.

8.2.2.O. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater condition, depth to maximum groundwater level, location and results of official on-site soils investigation report by a site evaluator certified by the State of Maine Department of Health and Human Services. This report shall contain the types of soil, location of test sites and proposed location and design of the most appropriate and suitable subsurface sewage disposal system for each lot in the subdivision, and be signed by the site evaluator.

8.2.2.P. Identification of soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation National Cooperative Soil Classification. All potential wetlands within the proposed site or subdivision identified on maps regardless of the size of the wetlands.

8.2.2.Q. A soil erosion and sediment control plan containing the endorsement of the city engineer.

8.2.2.R. All subdivisions with more than four (4) dwelling units, lots, or rental units and all site plan review projects which will generate more than a daily average of five hundred (500) gallons of wastewater of any type, or when determined by the planning board to be required because of the unique characteristics of the plans and/or site, shall submit a hydrogeologic assessment to be in conformity with section 4.3.15 of the zoning ordinance prepared by the certified geologist with demonstrated groundwater hydrology impact assessment experience and training when the site is not served by a public sewer and

8.2.2.R(1) Any part of the subdivision or site is located over or within three hundred (300) feet of a sand and gravel aquifer as shown on the map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers", by the Maine Geological Survey, 2000, or as updated; or

8.2.2.R(2) The subdivision contains lots of five (5) acres or less in total area; or

8.2.2.R(3) The subdivision has an average density of less than five (5) acres per dwelling unit.

8.2.2.S. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision; all to be in conformity with the requirements of section 12.5.

8.2.2.T. A plan for the disposal of surface drainage waters, prepared by a registered professional engineer. Curbing is required and roadside open ditches are not acceptable.

8.2.2.U. Preliminary designs of culverts which may be required.

8.2.2.V. If any portion of the subdivision or plan is subject to storm flooding that fact and portion shall be clearly shown and identified. Storm flooding shall mean standing water occurring on saturated soils after a heavy rain or land inundated when a surface water body overflows its banks.

8.2.2.W. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard area and the one hundred year flood elevation shall be delineated on the plan. If the subdivision or plan is subject to the city's Floodplain Management Ordinance compliance with that ordinance shall be evidenced.

8.2.2.X. Location of all existing and/or proposed utilities, on or adjacent to the development including size and elevation of buried or underground utilities.

8.2.2.Y. Location, names, and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.

8.2.2.Z. The width and location of any streets or other public ways or places shown upon the official map and the comprehensive plan, if any, within the project area and the width, location, grades, and street profiles of all streets or other public ways proposed by the applicant.

8.2.2.AA. Typical cross-sections of the proposed grading for roadways and sidewalks.

8.2.2.AB. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

8.2.2.AC. The location of all natural features or site elements to be preserved.

8.2.2.AD. The location of any open space to be preserved and an indication of its improvement and management.

8.2.2.AE. Any development or subdivision which shall generate more than one hundred (100) vehicle trips per day shall submit a traffic impact analysis report by a professional engineer which demonstrates that the street giving access to the lot and neighboring streets can be expected to carry traffic to and from the development, has adequate traffic carrying capacity or can be suitably improved to accommodate the amount and types of traffic generated by the proposed use. The analysis shall demonstrate that the development shall neither increase the volume capacity ratio of any street above 0.8 nor reduce the street level of service to "D" or below determined by using the analysis procedure set forth in the 2010 Highway Capacity Manual as published by the transportation board, and as hereafter amended.

8.2.2.AF. Evidence that all state law and performance standards contained in the City of Waterville land use ordinances can be met and that all of the subdivision criteria in Title 30-A MRSA section 4404, as amended from time to time, will be satisfied.

ARTICLE 9. FINAL PLANS FOR MAJOR SUBDIVISIONS AND DEVELOPMENT SITES

9.1. Procedure.

9.1.1. The applicant shall within six (6) months after the preliminary approval of the preliminary plan, file with the planning board an application for approval of the final plan in the form described herein. If the final plan is not submitted to the planning board within six (6) months after the approval of the preliminary plans, the planning board may refuse, without prejudice, to act on the final plan and require resubmission of the preliminary plan.

9.1.2. Upon receiving the application, the planning board shall give the applicant a dated receipt. Within thirty (30) days of receiving the application, the planning board shall notify the applicant in writing that either the application is completed or if incomplete, specific additional material needed to make a complete application. After the planning board has determined that a completed application for a final plan has been submitted it shall notify the applicant in writing within seven (7) days and begin its full evaluation of the proposed project.

9.1.3. The time of submission of the final plan shall be as defined in Article 3, Definitions, "Official submittal date".

9.1.4. The developer or his duly authorized representative shall attend the meeting of the planning board to discuss the final plan.

9.1.5. If the proposed development requires the approval and/or a license from the State of Maine Department of Environmental Protection or other State of Maine agency, that approval and/or license shall be secured in writing before official submission of the final plan.

9.1.6. Water supply system proposals contained in the plan shall be in compliance with section 12.5 and shall be approved in writing by:

9.1.6.A. The Kennebec Water District if existing public water service is to be used; or

9.1.6.B. The State of Maine Department of Health and Human Services if the subdivider proposes to provide a central water supply system; or

9.1.6.C. A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The board shall also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Human Services. Such approval shall be secured before official submission of the final plan.

9.1.7. Sewage disposal system proposals contained in the plan shall be properly endorsed and approved in writing by:

9.1.7.A. The Waterville Sewerage District if existing public disposal systems are to be used; or

9.1.7.B. The State of Maine Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer.

9.1.7.C. The Maine Department of Environmental Protection if the waste is to be discharged, treated or untreated, into any body of water, or if the project in any way falls within the department's jurisdiction. Such approval shall be secured before official submission of the final plan.

9.1.8. The planning board shall hold a public hearing within thirty (30) days of the submission of a complete application for a final plan approval. Notice of the date, time, and place of the hearing shall be given to the applicant and shall be published at least two (2) times in a newspaper of general circulation in the municipality in which the project is to be located, the date of the first publication to be at least ten (10) days prior to the hearing.

Notice of the hearing shall also be posted in at least three (3) prominent places at least ten (10) days prior to the hearing.

9.1.9. As soon as the hearing date is established, and at least fourteen (14) days prior to that hearing, the developer shall notify by certified mail, owners of the property abutting the project, specifying the location of the proposed project and its general description. The developer shall provide the planning board with a copy of the certified mail receipt of all owners of property abutting the proposed development. Failure to provide all receipts may be the basis for the postponement of the hearing by the planning board.

9.1.10. The planning board shall, within thirty (30) days of the public hearing, issue an order denying or granting final approval of the final plan, and/or site plan review permit, or granting approval upon those terms and conditions deemed advisable to satisfy the criteria listed in section 1.3 and to satisfy any other regulations adopted by the planning board and to protect the public's health, safety and general welfare. In issuing its decision, the planning board shall make findings of fact establishing that the proposed subdivision or site plan does or does not meet the foregoing criteria. Any order, including findings of fact, will be in writing, and will reflect decisions that were made in open sessions.

9.1.11. After final approval, all projects must be commenced within twelve (12) months and completed within twenty-four (24) months, unless a special schedule or an extension has been granted by the planning board. Any project failing to meet the requirements of this section shall be required to resubmit an application for final approval.

9.2. Submissions.

9.2.1. The final plan shall consist of four (4) copies of one or more maps or drawings which shall be printed or reproduced in the same manner as the preliminary plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plan shall show:

9.2.1.A. All of the information presented on the preliminary plan and location map and any amendments thereto suggested or required by the board.

9.2.1.B. The name, registration number and seal of the professional land surveyor, as defined in Title M.R.S.A section 18201(7), as amended from time to time, who prepared the plan, and the date it was prepared.

9.2.1.C. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.

9.2.1.D. Street numbers for each lot to be assigned by the city assessor.

9.2.1.E. Sufficient data acceptable to the city engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. These shall be tied to reference points previously established.

9.2.1.F. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street, existing and proposed.

9.2.1.G. By proper designation, all public open space for which offers of cession are made by the applicant and those spaces to which title is reserved by him.

9.2.1.H. Lots and blocks within the development numbered in accordance with local practice.

9.2.2. There shall be submitted to the board with the final plan:

9.2.2.A. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the applicant, are to be maintained.

9.2.2.B. Written evidence of a performance guarantee as required by Article 6 to secure completion of all improvements required by the board.

9.2.2.C. Written evidence that the municipal officers are satisfied with the legal sufficiency of documents referred to in paragraphs 9.2.2.A and B above. Such written evidence shall not constitute an acceptance by the municipality of any public open space referred to in paragraph 9.2.2.A above.

9.3. Final approval and filing.

9.3.1. Upon completion of the requirements in Articles 8 and 9 above and notation to that effect upon the plan, or by incorporation by reference to an attached and identifiable document, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the planning board and shall be filed by the applicant with the office of the code enforcement officer. The plan shall then be filed by the developer with the Kennebec County Registry of Deeds. Any plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the planning board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the planning board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.

9.4. Plan revision after approval.

9.4.1. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the planning board and endorsed in writing on the plan, unless the plan is first resubmitted and the planning board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void and the board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds.

9.5. Public acceptance of streets, recreation areas.

9.5.1. The approval of the planning board of a final plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other open space shown on such plan.

9.5.2. When a park, playground, or other recreation area shall have been shown on the plan, approval of the plan shall not constitute an acceptance by the municipality of such areas. The planning board shall require the plan to be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and the municipal officers covering future deeds and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE 10. VIOLATIONS, ENFORCEMENT AND FINES

10.1. Inspection of required improvements.

10.1.1. At least five (5) days prior to commencing a major phase of construction of required improvements, such as, but not so limited to, water, sanitary sewer, and storm drainage systems, and roads, the developer or builder shall notify the code enforcement officer and city engineer, in writing of the time when he proposes to commence construction of those improvements, so that, the municipal officers will cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the board.

10.1.2. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the developer, he shall so report in writing to the municipal officers, building inspector, planning board and the developer or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

10.1.3. If at any time before or during construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as, but not limited to, encountering hidden outcrops of bedrock or natural springs. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the board. Revised plans shall be filed with the city. For major modifications, such as, but not limited to, relocation of rights-of-way, property boundaries, or changes of grade by more than one percent, the developer shall obtain permission to modify the plans from the board.

10.1.4. At the close of each summer construction season, the city shall, at the expense of the developer, have the site inspected by a qualified individual. By December 1st of each year during which construction was done on the site, the inspector shall submit a report to the board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed and appear adequate to do the job they were designed for. The report shall also include a discussion of and recommendations on any problems which were encountered.

10.1.5. Prior to the sale of any lot, the developer shall provide the board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.

10.1.6. Upon completion of street construction and prior to a vote by the municipal officers to accept the dedication of a street as a town way, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the municipal officers at the expense of the applicant, certifying

that the proposed city way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

10.1.7. The developer or builder shall be required to maintain all improvements and to provide for snow removal on streets and sidewalks until acceptance of the improvements by the legislative body.

10.2. Violations and enforcement.

10.2.1. No plan of a division of land within the municipal boundaries which would constitute a subdivision as defined by Title 30-A MRSA section 4401, as amended from time to time, shall be recorded or filed in the registry of deeds until a final plan has been approved by the board in accordance with this ordinance. Approval for the purpose of recording shall appear in writing on the face of the plat or plan.

10.2.2. No person, firm, corporation, board, or legal entity may convey, offer or agree to convey any property rights in a subdivision which has not been approved as required by the board and recorded in the registry of deeds.

10.2.3. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any property rights in an approved subdivision which is not shown on the final plan as a separate lot.

10.2.4. Any person, firm, corporation, or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this ordinance, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00) for each such conveyance, offering, or agreement. The City of Waterville may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

10.2.5. Any person, firm, corporation or other legal entity who violates the provisions of this ordinance or the conditions of a permit, shall be guilty of a civil violation and upon conviction shall be fined not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00). Each day such a violation continues shall constitute a separate violation, to a maximum of twenty-five thousand dollars (\$25,000.00). All fines shall be paid to the City of Waterville.

10.2.6. No public utility, water district, sanitary district, or any utility company of any kind shall provide any service to any lot in a development for which a final plan has not been approved by the board.

10.2.7. Development of a subdivision or applicable site without board approval shall be a violation of law. Development includes, but need not be limited to, grading or construction of roads, grading of land or lots, removal of trees six (6) inches in diameter measured at four and one-half (4 1/2) feet from the ground, or construction of buildings which require a final plan approved as provided in this ordinance and recorded in the registry of deeds.

10.2.8. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this ordinance, up to and including the entire frontage of the lot. No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with this ordinance.

10.2.9. The code enforcement officer or city engineer, upon finding that any provision of this ordinance or the condition of a permit issued under this ordinance is being violated, is authorized to issue notices of violations, orders to correct, and schedules to correct. In carrying out his duties, the code enforcement officer may enter onto any property at reasonable hours and to enter any building with the consent of the property owner, occupant or agent, to inspect the property for compliance with these regulations. The City

of Waterville acting through the city council may institute proceedings to enjoin the violation of this ordinance.

10.2.10. The administration of this ordinance shall be the responsibility of the planning board, and its enforcement shall be the responsibility of the code enforcement officer or city engineer. The administration and enforcement of these regulations shall not be deemed to infringe upon the authority of the city council to layout and accept streets.

ARTICLE 11. GENERAL REQUIREMENTS

11.1. In reviewing applications for a subdivision or site plan, the board shall consider the following general standards and shall make written findings of fact that each applicable standard has been met prior to the approval of the final plan. In all instances, the burden of proof shall be upon the applicant.

11.2. Conformity with comprehensive plan.

Any proposed subdivision or site plan shall be in conformity with the comprehensive plan or other policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

11.3. Relation of development to community services.

Any proposed development shall be reviewed by the board with respect to its effect upon existing services and facilities.

11.4. Retention of proposed public sites and open spaces.

11.4.1. In subdividing property, the developer shall give consideration to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to the comprehensive plan. Any provision for these uses should be indicated on the preliminary plat in order that it may be determined when and in what manner these areas will be dedicated to or acquired by the appropriate agency.

11.4.2. The board may further require that the developer provide space for future municipal uses, in accordance with a comprehensive plan or policy statement, on a reimbursable basis for a five-year option after which the space may be sold for other development.

11.4.3. In any subdivision other than a cluster development, the planning board may request that the developer either provide up to ten (10) percent of his total area as open space, or make a payment in lieu of dedication into a municipal land acquisition fund.

11.4.4. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions less than two (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the board may deem suitable but no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the board with regard to scenic attributes to be preserved, together with sufficient areas for trails and, lookouts, where necessary and appropriate.

11.4.5. Reserved land acceptable to the board and developer may be dedicated to the municipality as a condition of approval.

11.4.6. Land reservation shall be calculated on the basis of one thousand three hundred (1,300) square feet per dwelling unit proposed, or three (3) acres per one hundred (100) dwellings units. Where land is unsuitable or insufficient in amount or when the planning board determines that land should be acquired in another location, a payment in lieu of dedication shall be calculated at the market value of land at the

time of the subdivision, as determined by the municipal tax assessor, and deposited into a municipal land acquisition fund.

11.5. Preservation of natural and historic features.

11.5.1. The board may require that a proposed subdivision or site plan design include a landscape plan that will show the preservation of existing trees ten (10) inches or more at chest height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer. The street and lot layout should be adapted to topography. Extensive grading and filling shall be avoided as far as possible.

11.6. Land not suitable for development.

11.6.1. The board shall not approve such portions of any proposed development that:

11.6.1.A. Are located within the one hundred year frequency floodplain as identified by an authorized federal or state agency.

11.6.1.B. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the board may grant approval if a central sewage collection and treatment system is provided.

11.6.1.C. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land Use Planning in Maine unless the lot size is a minimum of forty thousand (40,000) square feet and a favorable soil suitability study is conducted by a registered professional engineer for the subdivision as a whole, and said study is approved by the Maine Department of Health and Human Services, Division of Health Engineering. For soils rated fair or better, the forty thousand (40,000) square foot restriction may be waived if a soil suitability study conducted and approved as stated above is favorable.

11.7. Blocks.

11.7.1. The length, width and shape of blocks shall be determined with regard to:

11.7.1.A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

11.7.1.B. Zoning requirements as to lot sizes and dimensions.

11.7.1.C. Needs for convenient access, circulation, control and safety of street traffic.

11.7.1.D. Limitations and opportunities of topography.

11.7.2. In blocks exceeding eight hundred (800) feet in length, the planning board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved footpath be included. The planning board shall require the subdivider to provide for the proper maintenance of any such easement.

11.8. Lots.

11.8.1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the development and for the type of development and use contemplated.

11.8.2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type and use of the development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

11.8.3. All lots shall meet the minimum requirements of the zoning ordinance for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

11.8.4. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or disadvantageous use.

11.8.5. Side lot lines shall be substantially at right angles or radial to street lines wherever possible.

11.8.6. The subdivision of tracts into parcels substantially larger than the required minimum lot size shall be laid out in such a manner as to either provide for or preclude future resubdivision in accordance with the requirements contained in this ordinance, as the board may require. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

11.8.7. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of that barrier to meet the minimum lot size.

11.8.8. Odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one (3:1).

11.8.9. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers to the opposite side. Where the proposed subdivision contains the extensions of an existing street or street approved by the board, but not yet constructed, the lot numbers shall correspond with existing lot numbers. The lot numbering shall conform with the city's Streets and Sidewalks Ordinance.

11.9. Easements for natural drainage ways.

11.9.1. Where a development is traversed by a natural watercourse, drainage way, channel, stream, or where the board feels that surface water runoff to be created by the development should be controlled, there shall be provided a storm water easement or drainage right-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. This will conform substantially with the lines of that watercourse and be of such width or construction or both as will assure that no flooding occurs and that all stormwater can be disposed of properly. That easement or right-of-way shall be not less than thirty (30) feet in width.

11.9.2. The developer shall provide a statement from the designing engineer that the proposed subdivision or development will not create erosion, drainage or runoff problems either in the project or in other properties. Where the peak runoff from the project onto other properties is increased either in volume or duration, easements from the abutting property owners allowing for such additional discharge shall be obtained.

11.9.3. A stormwater drainage plan showing ditching, culverts, storm drains, easements, and other proposed improvements, shall be submitted and approved.

11.10. Utilities.

11.10.1. The board may require that all utilities be installed underground.

11.10.2. The size, type and location of public utilities such as, but not so limited to, street lights, electricity, telephones, gas lines, and fire hydrants, shall be shown on the plan and approved by the board.

11.10.3. All underground utilities and services therefrom shall be installed prior to the installation of the final gravel base of the road to prevent continued destruction of the road as houses are constructed.

11.11. Additional requirements.

11.11.1. Street trees, esplanades, and open green spaces may be required at the discretion of the planning board. Where such improvements are required, they shall be incorporated in the final plan and executed by the developer as construction of the development progresses.

11.11.2. The development design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least twenty (20) feet wide between abutting properties that are so endangered, and wider if zoning standards require.

11.12. Required improvements.

11.12.1. The following are required improvements: Monuments, street signs, streets, sidewalks, water supply, sewage disposal and stormwater management, except where the board may waive or vary such improvements in accordance with the provisions of these standards.

ARTICLE 12. DESIGN STANDARDS

12.1. Monuments.

12.1.1. Permanent monuments shall be set at the completion of construction at all corners and angle points of the development's boundaries, and at all street intersections and points of curvature.

12.1.2. Monuments shall be stone or concrete three (3) feet in length and located in the ground at final grade level, and indicated on the final plan. After they are set, drill holes one-half inch deep shall locate the point or points described above.

12.2. Street signs.

12.2.1. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor sound similar to the names of existing streets within the city. Street names must be approved by the city council prior to final planning board approval of the subdivision or site plan, recording of the plan, or city council acceptance of the street. Prior to city council approval, street names must be approved by the city's street addressing officer in accordance with State of Maine Enhanced-911 guidelines.

12.2.2. Street name signs shall be furnished and installed by the city.

12.3. Streets.

12.3.1. Classification. In accordance with the comprehensive plan of the city, and for the purposes of these standards, streets are classified by function as follows:

12.3.1.A. Arterial streets: Arterial streets serve primarily as major traffic ways for travel between and through towns.

12.3.1.B. Collector streets: Collector streets serve as feeders to arterial streets, as collectors of traffic from local streets, for circulation and access in commercial and industrial areas, and may be the principal entrance streets of a residential development providing circulation within or through the development.

12.3.1.C. Local streets: Local streets are used primarily for access to abutting residential, commercial, or industrial properties, and do not have the potential of becoming collectors.

12.3.2. Layout:

12.3.2.A. Proposed streets shall conform, as far as practical, to such comprehensive plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a preliminary plan.

12.3.2.B. All streets in the subdivision shall be so designed that, in the opinion of the board, they will provide safe vehicular traffic while discouraging movements of through traffic.

12.3.2.C. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.

Wherever existing or other proposed streets, topography and public safety will permit, streets shall run in east/west direction to maximize access for solar energy utilization.

12.3.2.D. In the case of dead-end streets, where needed or desirable, the board may require the reservation of a twenty-foot side easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

12.3.2.E. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the planning board.

12.3.2.F. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the city, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than sixty (60) feet nor have less than two (2) twelve-foot travel lanes and two (2) eight-foot parking lanes.

12.3.2.G. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use, as required by section 4.3.21 of the zoning ordinance.

12.3.2.H. Where a subdivision borders on or contains a railroad right-of-way, the planning board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate district. Such distances shall also be determined with due regard for approach grades and future grade separations.

12.3.2.I. Where a subdivision borders an existing narrow road (below standards set herein) or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be

mandatory to indicate such reservation on the plan when a proposed widening or realignment is shown on the official map. Land reserved for such purposes may not be counted in satisfying setback or yard area requirements of the zoning ordinance, including those requirements related to cluster development and open space.

When that widening or realignment is indicated on the official map, the reserved area shall not be included in any lot, but shall be reserved to be deeded to the city or state.

12.3.2.J. Where a subdivision abuts or contains an existing or proposed arterial street, the board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

The board may deny residential lot vehicular access directly to the arterial street. This shall be noted on the plan and in the deeds with any lot with the frontage on the arterial street.

12.3.2.K. Any subdivision containing more than twenty-one (21) lots shall have at least two (2) street connections with existing public streets shown on the official map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street serving more than twenty-one (21) dwelling units shall have at least two (2) street connections leading to existing public streets shown on the official map, or streets on an approved subdivision for which performance guarantees have been filed and accepted.

12.3.2.L. Entrances onto existing or proposed collector streets shall not exceed a frequency of one per two hundred fifty (250) feet of frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one per five hundred (500) feet of street frontage.

12.3.2.M. Local streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

12.3.3. Design and construction standards:

12.3.3.A. All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the planning board. These standards shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances:

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

| | Item | Arterial Streets | Collector Streets | Local Streets |
|----|----------------------------|------------------|-------------------|---------------|
| 1. | Minimum right-of-way width | 80' | 66' | 50' |
| 2. | Minimum width of pavement* | 44'* | 32--36'* | 24'* |
| 3. | Minimum grade | 0.5% | 0.5% | 0.5% |
| 4. | Maximum grade | 5% | 6% | 6% |

| | | | | |
|-----|---|--|---------|--|
| | | | | |
| 5. | Maximum grade at intersections | 2% within 75' of intersections | | |
| 6. | Minimum angle of intersections | 90 degrees | | |
| 7. | Minimum width of shoulders each side | 9' | 6' | 4' |
| 8. | Minimum centerline radii on curves | 800' | 300' | 200' |
| 9. | Minimum tangent length between reverse curves | 300' | 200' | 100' |
| 10. | Road base (minimum) | 27" | 24" | 18" |
| | Subbase: MDOT Type D, 6 inch minus | 18" | 18" | 15" |
| | Upper base: MDOT Type D, 2 inch minus | 6" | 4" | 3" |
| | Process gravel | Crushed | Crushed | Screened |
| 11. | Bituminous paving | 4" | 3.5" | 3" |
| 12. | Road crown | 1/4" per foot minimum; 3/8" per foot preferred | | |
| 13. | Sidewalks width (minimum where required) | 5' | 5' | 5' |
| | Base course (gravel) | 8" | 8" | 8" |
| | Surface | 2 1/2" bituminous hot-top | | |
| 14. | Dead-end or cul-de-sac streets width | | | 50' diameter or hammer head turnaround |

| | | | | |
|-----|--|-----|-----|-------|
| | Length, not more than | | | 1000' |
| | Radii of turn-around at enclosed end property line (minimum) | | | 65' |
| | Pavement (minimum) | | | 50' |
| 15. | Property line radii at intersection (minimum) | 20' | 10' | 10' |
| 16. | Curb radii at intersections | 30' | 20' | 15' |

* In addition to the minimum pavement width, paved shoulders are required (see number 7 above).

In mobile home parks all streets shall have a cleared area (no vegetation or appurtenances)within the right-of-way to provide for maneuvering of mobile homes.

Roadway designs must show existing soil types as defined by the Kennebec County Soil and Water Conservation District low intensity soils maps. Where existing soils are poorly suited with either high frost susceptibility or low bearing capacity, roadway designs shall be prepared by licensed civil engineers and shall show all drainage improvements, excavation requirements, and roadway typical details. The city engineer may request additional clarification or detail to assure long term function of roadways.

The standards above are minimum standards. The city engineer may require modifications if on-site conditions such as seeps, springs, ledge, unsuitable soils, or other such features exist.

After construction, the developer must submit a satisfactory construction report certifying that the roadway was constructed in accordance with project plans and specifications.

Any changes or modifications of the above must be by written approval of the city engineer and in accord with Article 13 herein.

Under drain may be required by the city engineer on collector and arterial streets, depending upon groundwater conditions.

12.3.3.B. Grades of all streets shall conform in general to the terrain and shall be in conformity with section 12.3.3.

12.3.3.C. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the board so that clear visibility shall be provided for a distance of two hundred (200) feet.

12.3.3.D. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty (60)--ninety (90) degrees, the former street should be curved approaching the intersection.

12.3.3.E. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

12.3.3.F. Street lines at intersections shall be cut back to provide for curb radii in conformity with section 12.3.3.

12.3.3.G. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-foot sight lines between intersecting streets shall be cleared of all growth (except isolated streets) and obstructions above the level of three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

12.3.3.H. A dead-end street or cul-de-sac shall not exceed one thousand (1,000) feet in length and shall be provided with a suitable turnaround at the closed end.

12.3.3.I. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

12.3.3.J. Side slopes shall not be steeper than three (3) feet horizontal and one foot vertical, graded, loamed, (six (6) inches compacted) and seeded as required.

12.3.3.K. Streets shall be rough-graded as required by the city engineer. Existing first magnitude trees shall be saved wherever possible.

12.3.3.L. Street curbs and gutters shall be required on all streets.

12.3.3.M. All roadways within the subdivision shall be constructed according to road specifications herein as overseen by the city engineer.

12.3.4. Planting:

12.3.4.A. All esplanade or planting strips at sides of streets shall receive at least three (3) inches of compacted topsoil (loam) free of stones over one inch in diameter, sods and clay. Base material shall be removed prior to placement of topsoil.

12.3.4.B. Planting strips to be limed at the rate of one pound per ten (10) square feet and fertilized at the rate of one pound of a 10-10-10 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Kennebec County Soil and Water Conservation District.

12.3.4.C. When required by the planning board, street trees shall be planted in the esplanades of all new streets.

12.3.4.D. Trees of the first magnitude (birch, beech, linden, oak, pine, sugar maple, basswood) shall be planted at forty- to sixty-foot intervals.

12.3.4.E. Trees of second magnitude (hawthorn, flowering crabapple, etc.) may be planted at intervals of less than forty (40) feet.

12.4. Sidewalks.

12.4.1. Sidewalks shall be installed at the expense of the developer where the development abuts or fronts onto an arterial street, and at collector streets as the board may deem necessary to provide adequate pedestrian safety.

12.5. Water supply.

12.5.1. A public water supply system complete with fire hydrants shall be installed at the expense of the developer, if the development is within one thousand five hundred (1,500) feet of a public water line. If in the opinion of the board, service to each lot by a public water system is not feasible, the board may allow individual wells or a private community water system to be installed, also at the expense of the developer.

12.5.2. The developer shall demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water meeting the current Maine Department of Health and Human Services standards can be supplied to the development at a rate of at least three hundred fifty (350) gallons per day per dwelling unit and at an adequate pressure and volume for fire-fighting purposes.

12.5.3. Storage shall be provided as necessary to meet peak domestic demands and fire protection needs.

12.5.4. The developer shall demonstrate in the form of signed affidavits from the servicing water company or by engineering reports prepared by a civil engineer registered in the State of Maine that the proposed development will not result in an undue burden on the source, treatment facilities or distribution system involved. The developer shall be responsible for paying the costs of modifying the source, treatment facility, or distribution system necessary to serve the development.

12.5.5. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company and the fire chief.

12.5.6. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is demonstrated by the developer not to be economically or technically feasible to develop other groundwater sources. Dug wells shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the board, the developer shall prohibit dug wells by deed restrictions and a note on the plan.

12.5.7. If a central water supply system is provided by the developer, location and protection of the source, and design, construction and operation of the distribution system and appurtenances and treatment facilities shall be approved by the Maine Department of Health and Human Services and shall conform to the standards of the Maine Rules Relating to Drinking Water.

12.5.8. The developer shall construct ponds and dry hydrants as necessary to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the city granting access to the dry hydrants where necessary. The board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

12.6. Sewage disposal.

12.6.1. A sanitary sewer system shall be installed at the expense of the developer, along with service stubs to the right-of-way line of the street at each proposed lot or, if in the opinion of the board, the developer has demonstrated that service to each lot by a sanitary sewer system is not feasible, the board may allow individual septic tanks to be used.

12.6.2. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a licensed site evaluator in compliance with the requirements of the State of Maine Subsurface Wastewater Rules. In addition, on lots in which the limiting factor has been identified as being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan, and restricted so as not to be built upon.

12.6.3. The developer shall submit plans for sewage disposal designed by a professional civil engineer in full compliance with the requirements of the State of Maine Plumbing Code and/or Department of Environmental Protection.

12.6.4. Where a public sanitary sewer line is located within close proximity to a proposed subdivision at its nearest point, the subdivider is encouraged to connect with that sanitary sewer line with a main not less than eight (8) inches in diameter, provided that the appropriate municipal agencies certify that extending the services will not be a burden on the system.

12.6.5. The sewer district shall review and approve in writing the construction drawings for the sewage system.

12.7. Stormwater management.

12.7.1. All new construction and development shall provide an adequate stormwater control and conveyance system, including appurtenances such as sediment and detention basins as needed, and catch basins, manholes, and piped or professionally designed ditch conveyance systems to assure that stormwaters discharged from the site are in compliance with the guidelines contained in section 1.3 and all other requirements of this ordinance.

12.7.2. The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed development will not create erosion, drainage or runoff problems either in the development or in adjacent properties. The developer shall submit a surface drainage plan with profiles and cross-sections drawn by a registered professional engineer. This plan shall show culverts, ditches, easements, and other proposed improvements. The plan shall also contain a soil erosion and sediment control plan.

12.7.3. All stormwater systems within the development shall be designed to meet the criteria of a twenty-five-year storm based on rainfall data from the National Weather Service records in Portland. Flows shall be computed by the rational method or by another generally accepted method as approved by the city engineer.

12.7.4. Upstream drainage shall be accommodated by an adequately sized drainage system through the proposed development for existing and future potential development in the upstream drainage area, or areas tributary to the proposed development, as determined by the board.

12.7.5. Existing downstream drainage facilities shall be studied to determine the effect of the proposed development's drainage. The developer shall demonstrate to the satisfaction of the board that the storm drainage from the proposed development will not, in any way, overload existing storm drainage systems downstream from the proposed development. The developer must arrange with the Waterville Sewerage District for any improvements to existing drainage systems that are required to handle the increased drainage caused by the development.

12.7.6. Where open ditches, (other than roadway ditches), channels, streams, or natural drainage courses are used to collect, discharge, and/or transmit water through the development, an adequately sized perpetual drainage easement shall be provided. This easement shall be centered as closely as possible to the middle of the watercourse and shall be no less than thirty (30) feet in width.

12.7.7. Where subsurface soils are poorly drained, an underdrain system may be required by the board. Underdrains shall be installed and discharged in a positive manner.

12.8. Soil erosion control.

12.8.1. Topsoil shall be considered part of the development. Except for surplus topsoil for roads, parking areas and building excavations, it is not to be removed from the site.

12.8.2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by the following erosion control management practices:

12.8.2.A. The stripping of vegetation, removal of soil, regrading or other development of the site shall be accomplished by limiting the duration of the exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.

12.8.2.B. Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development. Sedimentation of runoff waters shall be trapped by debris basins, silt traps, sediment basins, or other methods determined acceptable by the city.

12.8.2.C. Permanent vegetation and/or other erosion control measures should be installed prior to the completion of the construction, but no later than six (6) months after completion of the construction.

12.8.2.D. The top or bottom of a cut or fill shall not be closer than ten (10) feet to a property line unless otherwise mutually agreed to by the affected landowner and the city, but in no instance shall this cut or fill exceed three to one (3:1) slope.

12.8.3. To prevent soil erosion of shoreline areas, the provisions of section 4.3.25 of the zoning ordinance shall control.

ARTICLE 13. WAIVERS

13.1. The board may waive or modify portions of the submission requirements or the standards so that substantial justice may be done and the public interest secured; provided that such waivers will not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan, the zoning ordinance, the provisions of this ordinance, or the criteria contained in state law, such as but not limited to, Title 30-A MRSA section 4404, as amended from time to time, and provided that this waiver does not unduly restrict the review process.

13.2. Where, 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 inadequacy or lack of connection facilities, adjacent or in proximity to the proposed development, the planning board may waive those requirements, subject to appropriate conditions, and provided that all criteria contained in state law at Title 30-A MRSA section 4404, as amended from time to time, are met.

13.3. If the initial approval of a development, or subsequent amendment of an approved development involves the grant of a waiver from the standards set forth in Articles 11 and 12, that fact shall be expressly noted on the face of any plan that is to be registered in the Kennebec County Registry of Deeds. If an amendment to an approved plan requires a waiver and the amended plan is not to be recorded, the planning board must issue a certificate in accordance with the provisions set forth in Title 30-A MRSA section 4406(1)(B)(2), as amended from time to time. Failure by the applicant or his heirs, successors or assigns to record the plan or certificate in the registry within ninety (90) days of the approval of the waiver, renders the waiver invalid.

ARTICLE 14. APPEALS

14.1. An appeal from a decision of the planning board may be taken to the Superior Court, State of Maine, pursuant to Rule 80(B), Maine Rules of Civil Procedure, provided the decision is a final decision and not a report such as, but not limited to, a report under section 7.1.4. of the zoning ordinance.

ARTICLE 15. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

15.1. Should any section or provision of this ordinance be declared by any court to be invalid, that decision shall not invalidate any other section or provision of the Ordinance.

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

15.3. The subdivision standards of the planning board of the City of Waterville, Maine, Ordinance 2-1976, enacted July 20, 1976, and all amendments thereto, are hereby repealed.

15.4. This ordinance shall take effect March 6, 2015.

APPENDIX - Attached

A blue, stylized stamp with the word "APPROVED" in all capital letters, with a slight shadow effect.

Waterville City Council
Effective: March 6, 2015
(Ordinance 26-2015)

APPENDIX

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter. [2001, c. 359, §1 (AMD).]

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance. [2001, c. 651, §1 (AMD).]

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate. [2001, c. 359, §3 (NEW).]

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §3 (NEW).]

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection. [2013, c. 126, §1 (AMD).]

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW); 1989, c. 497, §2 (AMD).]

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

(1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or

(2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located. [2001, c. 651, §3 (NEW).]

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. [2001, c. 359, §5 (AMD).]

[2013, c. 126, §1 (AMD) .]

5. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

6. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

[2007, c. 49, §1 (AMD) .]



SMOKING BAN ORDINANCE

(Effective May 20, 2012)

1. **Definition:** Smoking means inhaling, exhaling, burning, carrying or having in one's possession any lit cigar, cigarette, pipe, weed, plant or other combustible substance in any form.
2. **Prohibition:** Smoking is prohibited in the following City recreation areas and adjacent public parking lots and sidewalks:
 - a. North Street from the Alford Center to the Municipal Boat Landing, inclusive.
 - b. Recreation areas on Chaplin Street, Green Street/Sherwin Street, Grove Street, Hillside Avenue, Kelsey Street, Moor Street, Sterling Street and Western Avenue.
3. **Penalty:** Prior to issuing a citation for violation of this Ordinance, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this Ordinance, the Court shall impose a fine of \$50.00, which may not be suspended.

APPROVED

Waterville City Council
Approved: May 1, 2012
Effective: May 20, 2012
(Ordinance 98-2012)



SOLID WASTE ORDINANCE

As amended: January 6, 2015
(Effective: January 22, 2015)

Sec. 1-1. Purpose and authority.

The purpose of this Solid Waste ordinance is to provide the City of Waterville with the legal authority to control the handling of solid waste generated within its borders and to promote the public health, safety and general welfare. This may include the requirement that all commercial and noncommercial haulers of solid waste generated within the borders of the city be licensed.

This ordinance is enacted in accordance with the authority granted to the City within State law under Title 30-A, Section 3001 and Title 38, Section 1304.

Sec. 1-2. Compliance required.

No person, corporation or legal entity shall dispose of solid waste in any manner which is contrary to the provisions of this ordinance. Effective September 8, 2014, all residential waste shall be disposed of in specially designated Pay-As-You-Throw (PAYT) bags.

Sec. 1-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Acceptable solid waste: Residential solid waste contained in specially designated Pay-As-You-Throw (PAYT) bags except as shown below:

- Any appliance employing electricity, natural gas or any liquefied petroleum gas to supply heat or motive power to preserve or cook food, to wash clothing, dishes, kitchen utensils, glasses or other related items or to cool or heat air or water, more commonly called *white goods*;
- Bulky waste, such as household furnishings, mattresses or other large objects;
- Any electronic device containing printed circuit boards, capacitors, resistors or transistors that is not included in the definition of *white goods*;
- Demolition or construction debris;
- *Abandoned motorized vehicles:* Any self-propelled vehicle including motorcycles, construction and farm vehicles and other off-the-road vehicles;
- Liquid wastes sludge, or septic tank wastes;
- Hazardous or other special wastes as those terms may be defined by federal and state law;
- Dead animals or portions thereof; other pathological or biological wastes;
- Water treatment residues;
- Tree stumps, meaning the base section of a tree exceeding eight (8) inches in diameter and containing roots and soil;
- Tannery sludge;

- Waste oil;
- Propane tanks and cylinders
- Motor vehicle batteries of all types
- Sand and gravel
- Tires;
- Full cans of paint (open paint cans with dry paint – latex only -- residue are acceptable);
- Plastic pool liner, plastic "kiddie" pools, and other items too large to process at the waste to energy facility;
- Brush and tree limbs;
- Hot ashes;
- Pesticides, cleaning solvents, pool chemicals, wet paint and other toxic, poisonous or hazardous materials;
- Potentially reactive chemicals such as muriatic acid; and
- Other items that present a danger to public works employees or to residents of the community or are unacceptable at the waste to energy facility, as determined by the public works director.

All of the above described items are to be considered as unacceptable solid waste.

Department of Public Works: A department of the City of Waterville.

Dwelling unit: Any part of a structure which, through purchase or by lease, is intended for human habitation.

Municipal hauler: The Department of Public Works of the City or a contracted agent.

Municipal officers: Waterville City Council.

Municipality: The City of Waterville.

Public Trash Receptacles: Any receptacle located on public property and maintained by the City.

Recycle: To recover, separate, collect and reprocess waste materials for sale or reuse other than as fuel for the solid waste disposal facility.

Solid waste: shall have the same definition as set forth in Title 38 MRSA Section 1303(C)(29) as the same may be amended from time to time.

Solid waste disposal facility: A facility for the disposal of solid waste by means of incineration at the disposal facility located in Orrington, Maine, and operated by the Penobscot Energy Recovery Corporation or any successor thereto.

Solid waste facility: A waste facility that will provide for the transfer of acceptable solid waste generated by the municipality and authorized municipalities to a solid waste disposal facility as well as provide for the handling of solid waste for the purpose of recycling.

Source separation: The preparation of materials that have been determined to be recyclable by separation from solid waste at the point of delivery to the solid waste facility or by separation previously at the point of generation and so delivered to the solid waste facility.

Sec.1-4. Administration.

(a) The Department of Public Works shall have the responsibility for the administration of the collection of acceptable solid waste. All or a portion of all the responsibilities set forth above may be assigned to entities other than the department of public works, by contractual arrangements approved by the municipal officers.

(b) The Department of Public Works shall have the responsibility and authority to provide rules and regulations for the collection of acceptable solid waste at dwelling units within the boundaries of the municipality. Such rules and regulations must be reviewed and approved by the municipal officers. If any of the aforementioned responsibilities are contracted for, the contractor must adhere to the following rules for operation and collection.

- 1) Only acceptable solid waste (as defined in Section 1-3) shall be collected and must be contained in specially designated Pay-As-You-Throw (PAYT) bags. Weight must not exceed reasonable tolerance levels of the bag and shall not under any circumstance exceed fifty (50) pounds.
- 2) Waste shall only be collected from either private single family residences or from apartment buildings of four (4) units or less.
- 3) No waste shall be collected from any nonresidential parcel, which would include parcels containing offices, hotels, stores, manufacturing plants, restaurants, produce houses, food processing plants, or any other business activity. Waste will be collected on parcels with mixed uses for the residential portion of the property only. Mixed use is defined as parcels containing both business and residential. The business use must make other arrangements for its trash collection.
- 4) All waste to be collected shall be placed at the curb or on the esplanade between the sidewalk and the gutter no earlier than 5:00 p.m. the day before and no later than 7:00 a.m. on the scheduled collection day. Empty containers shall be removed from sidewalk or curb on the same day waste is removed.
- 5) No return calls shall be made if waste is not set out for collection on time.
- 6) No employee of the department of public works is permitted to go into any private yard or building to collect the waste, nor will they return the empty container to any place other than the curb or sidewalk.
- 7) It shall be the responsibility of residents to prevent waste or recycling from being strewn or blown about the street prior to being collected.
- 8) For the proper disposal of medical items called, "sharps," such as hypodermic needles, syringes, etc., residents are required to use either a "sharps container", purchased at a medical supply store, or use an empty rigid plastic bottle, such as liquid laundry soap or an anti-freeze container. The discarded sharps shall be placed directly into leak-resistant containers, without clipping or breaking. These containers shall be taped closed or tightly lidded to preclude loss or leakage of contents.
- 9) Unacceptable solid waste, as defined in Section 1-3 of this ordinance, shall not be placed or deposited by the occupant of a dwelling unit anywhere on property on which a dwelling unit is situated for a period of time in excess of the period of time necessary to arrange for disposal by an authorized private contractor. Failure to remove said unacceptable solid waste within one (1) week of a written request by the code enforcement officer shall be considered a violation of this article, and such failure to act shall constitute a nuisance. The occupant of a

dwelling unit who shall cause, permit or suffer solid waste, acceptable and unacceptable, to be dispersed onto the property of others shall be considered a violation of this article, and such act shall constitute a nuisance.

- 10) Any individual, corporation or other legal entity that deposits, places or disperses solid waste, acceptable or unacceptable, on private property not owned or occupied by the individual, corporation or other legal entity or on public property or town ways shall constitute a violation of this ordinance.

Sec. 1-5. Solid waste facility; solid waste disposal facility.

(a) The City shall, in accordance with the provisions of Title 38 MRSA Section 1304-B and Title 38 MRSA Section 2101 et seq. as said statutes may be amended from time to time, provide and designate a specific solid waste facility that will receive and process acceptable solid waste. Such a facility will facilitate the transference of acceptable solid waste for the purpose of being conveyed to a designated solid waste disposal facility. The designation of a solid waste facility may also include a facility that is used for the purpose of gathering and the separation of recyclable solid waste; additionally, the municipality may also provide or designate facilities to handle certain kinds of unacceptable solid waste, such as but not so limited to demolition debris, yard debris, tree limbs and bushes, white goods, brown goods and tires; and in providing for such certain unacceptable solid waste, the municipal officers may designate disposal facilities that are beyond the borders of the solid waste facility and of the municipality.

(b) The municipality hereby designates as its acceptable solid waste disposal facility the Penobscot Energy Recovery Corporation Facility, Orrington, Maine, its successors and assigns for the purpose of disposing of solid waste by means of incineration. For purposes of this ordinance, the municipality designates Pine Tree Waste – Capital Transfer as the established solid waste facility serving City residents and commercial haulers. The City also designates Ecomaine of Portland, Maine as its resource recovery facility for removal of acceptable items from the waste stream for the purpose of recycling.

Sec. 1-6. Transporting solid waste.

All vehicles that are used to transport solid waste, both acceptable and unacceptable, whether they are vehicles of the municipality or commercial haulers shall have the solid waste being transported so packed and contained in the vehicle that there is no reasonable probability or likelihood that any of the solid waste can or will be scattered or dropped from the vehicle while in the process of transporting to the solid waste facility. If any solid waste is scattered, dropped or deposited in any manner on any town way or private way or on any public property or private property, except with the consent of the owner, shall be considered a violation of this article. Proof of any dropping, scattering or deposit of solid waste while in transit shall, in and of itself, be considered prima facie evidence that such materials were not properly packed or contained as required by this article.

Sec. 1-7. Credit for tonnage.

It shall be the responsibility of the commercial hauler to ensure that the municipality is given proper credit at the solid waste facility or the solid waste disposal facility for all acceptable solid waste collected from within the borders of the municipality and delivered to the designated solid waste facility by said commercial hauler.

Sec. 1-8. Responsibilities of the hauler.

A commercial hauler shall be held fully responsible for the presence of unacceptable solid waste in any load delivered by the commercial hauler to the designated solid waste facility. In the event that the commercial hauler disposes of any unacceptable solid waste at the designated solid waste facility, such unacceptable solid waste shall be immediately removed from the designated facility by the commercial hauler at the hauler's expense.

Sec. 1-9. Violations and penalties.

Violations of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Section 2-9 of the Administrative Ordinance of the City of Waterville. The office of code enforcement and the police department shall be responsible for the enforcement of the provisions of this article.

A blue, stylized stamp with the word "APPROVED" in all capital letters, with a slight shadow effect.

Waterville City Council
Effective: March 23, 2007
(Ordinance 02-2007)

*As Amended January 6, 2015
(Ordinance 193-2014)*



ORDINANCE GOVERNING STREETS AND SIDEWALKS

As amended: May 6, 2014
(Effective: May 19, 2014)

- Art. I. In General
- Art. II. Excavations
- Art. III. Snow Removal
- Art. IV. Street Lights
- Art. V. Violations

ARTICLE I. IN GENERAL

Sec. 1-1.

The purpose of this ordinance is to provide guidance and direction regarding the maintenance, repair and safety of City streets and sidewalks.

Sec. 1-2. Permit for partial occupancy of streets while working on adjacent buildings.

The Director of Public Works may grant a permit to any person to occupy a portion of any street not exceeding one-half ($\frac{1}{2}$) the width thereof for the erection or repair of any building abutting thereon, under such limitations and restrictions as may be required by ordinance or public convenience. A bond to protect the City from any injury which may result from the occupation of any portion of any street may be required by the Director of Public Works, of any person occupying such street. Any permit granted may be revoked by the granting authority at any time when the person to whom it is granted fails to comply with any rule, regulation or condition under which it is granted, or when in the opinion of the Director of Public Works the public good requires such revocation.

Sec. 1-3. Permit to move buildings.

The Director of Public Works may grant a permit to any person to move any building through any street which is not a state or state-aid highway, under proper restrictions, upon proof of liability insurance, or its equivalent in the minimum amount of three hundred thousand dollars (\$300,000.00) along with an agreement to indemnify the City for all damages which may be sustained by reason of such moving.

Sec. 1-4. Transfer of merchandise over sidewalks.

On streets not otherwise restricted, merchandise may be transferred from or to trucks or other vehicles over the sidewalk by the use of skids or planks, only when reasonably necessary and provided the sidewalk is not unreasonably obstructed, and then only for such period of time as is necessary, and if the sidewalk and travel thereon is obstructed by skids or planks for an unreasonable time, any police officer in the course of his duty may order such skids or planks removed, and if not removed he may remove or cause the same to be removed at the expense of the offender.

Sec. 1-5. Use of space under sidewalk.

No person shall make or cause to be made any aperture in or under any sidewalk without a written permit from the director of public works, and no person shall leave such aperture in an unsafe condition, or open, except when actually in use.

Sec. 1-6. Permit regulating driveway construction.

(a) No person shall construct or maintain any driveway entrance or approach joining any public street in the City without a written permit from the Director of Public Works who is hereby authorized to issue such permit, subject to such rules and regulations in regard to design, location, construction and number of entrances and approaches on said street as will adequately protect the safety of the traveling public. The Director is hereby authorized and directed to make rules and regulations pertaining to driveway construction subject to the approval of the municipal officers.

(b) No permit shall be required for any driveway entrance or approach now existing unless the grade or location of the same is changed, in which event a permit shall be required. However, in the event that the street is reconstructed all driveway entrances and approaches shall conform to the rules and regulations aforesaid.

Sec. 1-7. Erection of signs and other structures.

No person shall erect, set up or keep upon or in front of any building, store, shop or place of business, owned, occupied or controlled by him, any sign, signboard or other protruding object, projecting over the street or sidewalk or over any street entrance, any part of which shall be less than seven and one-half (7½) feet in height above the sidewalk; and no person shall erect, set up or keep upon or in front of any building, store, shop or place of business owned, occupied, or controlled by him, any sign, signboard or other protruding object, projecting more than two and one-half (2½) feet over the street or sidewalk or any street entrance, any part of which shall be less than fifteen (15) feet in height above the sidewalk.

In addition, no person shall erect or install any permanent, immovable or fixed object within the public right of way of any City street.

Sec. 1-8. Awning restrictions.

No person shall erect, establish or maintain any awning or shade in front of his place of business, or upon any shop, store or dwelling house, owned, occupied or controlled by him, which extends over any part of the public street or sidewalk, unless the same is firmly made, fixed, supported and maintained so as not to inconvenience travelers, and so that the lowest part of the metal hardware thereof shall be at least seven and one-half (7½) feet in height above such public street or sidewalk, and so that the lowest part of the canvas covering thereof shall be at least seven (7) feet in height above such public street or sidewalk.

Sec. 1-9. Addressing officer.

The addressing officer for the City shall be the City Assessor.

Sec. 1-10. Street numbering — Authorized.

The addressing officer, or his/her designee, shall, at his/her discretion, have the power to cause numbers, of regular series, to be affixed to, or inserted on, all dwelling houses and other public buildings erected or fronting on any street, lane, alley, or public court within the City.

Sec. 1-11. Street numbering — System.

Dwelling houses and other buildings within the City shall be numbered in the following manner: On streets or ways running northerly and southerly, except Water, Silver, Summer and Cool Streets, West River, Airport, Eight Rod and Shores Roads, beginning at a most southerly termination thereof with numbers one (1) and two (2), progressing northerly with odd numbers on the easterly side of the street or way, and even numbers on the opposite side on said accepted streets beginning at their most northerly or easterly termination with numbers one (1) and two (2), then progressing westerly or southerly, with the odd numbers on the northerly or westerly side of the street and even numbers on the opposite side; and on the transverse streets or ways except the streets or ways leading easterly out of College Avenue, beginning with the numbers one (1) and two (2) on the easterly or end nearest the Kennebec River, and progressing from the river and with the odd numbers on the northerly side of the streets or ways and the even numbers on the opposite side of the streets or ways; on the transverse streets or ways above excepted, beginning with numbers one (1) and two (2) on the College Avenue end, and progressing easterly toward the river, with the odd numbers on the northerly side of the street or way and the even numbers on the opposite side. Courts or lanes leading off of any street or way which do not terminate in another street or way shall be numbered with numbers beginning with one (1) and two (2) at the ends thereof next to the street or way from which they lead, with the odd numbers on the right side and the even numbers on the left. Corner buildings shall be numbered on both streets. A sufficient number of numbers shall be left for vacant lots.

Sec. 1-12. Street numbering — Numbers required.

The owner or occupant of any dwelling house or other building shall, within (30) thirty days after receiving written notice from the addressing officer, designating the number to be affixed to such dwelling house or other building, cause to be affixed to the main entrance of such dwelling house or other building fronting the street, a metallic or other suitable number, acceptable to the addressing officer, not less than one and one-half inches (1½) in height and placed in such a manner as to be plainly visible and legible from the street, or to a person approaching from the street, and in case any person neglects or refuses so to number such dwelling house or other building, or suffers a different number from the one designated by the addressing officer, he shall be liable to a fine in accordance with section 1-8 of this Code, and the municipal officers shall cause the proper number to be affixed at the expense of the owner or occupant.

ARTICLE II. EXCAVATIONS***Sec. 2-1. Permit requirements and restrictions.**

No person, firm, utility or corporation, except the Director of Public Works or his assistants in performance of official duties, shall break or dig up the ground or paving in any City street, way or place, or make excavation therein for any purpose without first obtaining a permit therefore from the Director of Public Works. A plan of the excavation indicating the property lines and limits of easements may be required along with the application. Such permit shall be granted according to the requirements and restrictions set forth in this ordinance.

Sec. 2-2. Application for permit.

The permit shall contain the following information:

- (a) Name and address of applicant;
- (b) Name and address of person or firm actually making the excavation;
- (c) Location of excavation;
- (d) Purpose of excavation;
- (e) Plan or sketch showing excavation to be made. Plans shall be stamped by a Maine Professional Engineer, when required by state law. Submitted plans must clearly define horizontal and vertical clearances from all other utilities within the project area. Utility clearance shall conform to the MDOT Utility Accommodation Policy, authorized by 23 MRSA sec. 52, 35-A MRSA sec. 2503 (16), and as further required by 23 CFR 645.211, however, Public Works shall have the authority to reduce minimum clearances;
- (f) Type of surface to be removed;
- (g) Fee, date, and number of permit;
- (h) Director of Public Works' signature;
- (i) Certification that the applicant will contact Dig Safe;
- (j) Certification that the Manual on Uniform Traffic Control Devices (MUTCD) will be followed
- (k) Acknowledgment that improper work or materials used causing settlement or break-up shall be redone by City or agent with cost of work charged to the firm, individual, organization or utility.
- (l) An estimated cost to replace the highway surface and shoulders, based on the schedule included as part of the application. This amount shall be known as the "Impact Value"

Sec. 2-3. Resurfacing responsibilities.

The City of Waterville reserves the right to do all resurfacing of all excavations except for the temporary cold patch required and shall charge a fee for such resurfacing. The City in its discretion may delegate its responsibility for the resurfacing of all excavations, except for the temporary cold patch, to a private contractor. Such delegation should be done in conformity with the bid process of the City's Purchasing Ordinance. The private contractor whose bid is accepted must perform all work in accordance with City specifications and such work is subject to the inspection and approval by the City Engineer. Any specific excavation job shall only be considered complete upon the issuance of a certification by the City Engineer to that effect. If the City Engineer is called upon to provide engineering services, the City shall charge the contractor for such services and the City retains the right to charge for inspection services if warranted.

Sec. 2-4. Excavation permit fees.

A non-refundable excavation permit fee shall be charged in the amount of seventy five dollars and no cents (\$75.00). In addition, a fee will be charged based on the type and amount of surface to be opened or excavated under the permit on a per square yard basis. Where two (2)

or more street openings are made in sequence, of fifteen (15) feet or less, center to center, between each adjacent opening, the applicant shall be charged for one opening measured from the first opening to the last opening. Said rates shall be set by the Director of Public Works with the approval of the City Manager and shall reflect current materials, labor and equipment costs.

Every application shall be accompanied by a check in the amount of 100% of the estimated Impact Value plus the seventy five dollars (the permit fee), made out to "City of Waterville. The permit holder shall be responsible for all final restoration of the affected area to the satisfaction of the Department. (not withstanding Sec. 2-3) Upon satisfactory completion of the repairs, the permit shall be deemed complete. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the permit holder to do the same, the Department will accomplish the final restoration and bill the permit holder for the cost.

The Impact Value is held in escrow and refunded to the applicant upon satisfactory repair of the roadway, minus 10% calculated from the final disturbed area.

After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by a representative of the Department. Impact Value held in escrow will be refunded to the permittee, less 10% based on the final disturbed area, upon satisfactory repair of the roadway by the permittee.

Sec. 2-5. Routing of traffic.

Where work is to be performed in the right-of-way, the permittee shall consult with the Public Works Department and comply with the Manual of Uniform Control Devices (MUTCD) to assure that during the performance of the excavation work traffic conditions remain as normal as practicable and shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The Public Works Department shall notify the Police Department who, in turn, shall notify the Fire Department or other emergency service departments of any constrictions or stoppages in traffic. The Director of Public Works and/or his/her designee may permit in extreme cases the closing of streets to all traffic for a period of time prescribed by him/her if in his/her opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the Director of Public Works and or his/her designee. The following steps shall be taken before any highway may be closed or restricted to traffic:

- (a) The permittee must receive the approval of the Director of Public Works and/or his/her designee.
- (b) The permittee must notify the Director or Public Works or his/her designee prior to the closing of any street and give the department the length of time of closing. The Public Works Department will then notify other departments concerned.
- (c) Upon completion of construction work the permittee shall notify the Public Works Department before traffic is moved back to its normal flow so that any necessary adjustments may be made.
- (d) Where flagmen are deemed necessary they shall be furnished by the permittee at its own expense. All such flagmen shall be subject to proper training requirements. Thru traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible the Director or Public Works or his/her designee will designate detours. The City shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee but in case there are no existing highways the permittee shall construct all detours at its expense and in conformity with the specifications of the

City Engineer. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

Sec. 2-6. Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire plugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

Sec. 2-7. Protection of pedestrian traffic.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate pedestrian traffic at all street intersections. The walkway shall be not less than five (5) feet in width.

Sec. 2-8. Removal and protection of utilities.

The permittee shall not interfere with any existing utility other than their own facilities without the written consent of the City Engineer or the utility company or person owning the utility. If it becomes necessary to remove an existing utility this shall be done by its owner. No utility owned by the City shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wire or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefore. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefore. The permittee shall inform itself through Dig Safe or by other means as to existence and location of all underground utilities and protect the same against damage.

Sec. 2-9. Protection of adjoining property.

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work, and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the

property owner, or in the case of public property the appropriate City department or City official having control of such property.

Sec. 2-10. Protective measures; barriers, lights.

The permittee shall erect subject to approval of the City Engineer or his/her designee such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the City street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

Sec. 2-11. Attractive nuisance.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and be hazardous to their safety or health.

Sec. 2-12. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the City Engineer shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of back-filling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

Sec. 2-13. Damage to existing improvements.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the City Engineer shall, through the Director of Public Works, mayor or City Manager, have the authority to cause said necessary labor and materials to be furnished by the City or its agent and the cost shall be charged against the permittee.

Sec. 2-14. Property lines and easements.

The permittee shall be responsible for confining all excavation work to the property lines and limits of easements indicated on the plan of excavation submitted at the time of the application, if so required.

Sec. 2-15. Cleanup of rubbish, debris.

As the excavation work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up

operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director of Public Works or his/her designee. From time to time as may be ordered by or through the Director of Public Works or his/her designee and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Director of Public Works or his/her designee, said work may be done by the Director of Public Works or his/her designee and the cost thereof charged to the permittee.

Sec. 2-16. Protection of water courses.

The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the City Engineer or his/her designee or utility company may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

Sec. 2-17. Breaking through pavement.

Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be three (3) feet or over in depth, the pavement in the base shall be removed to at least (8) inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and an eight-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

Sec. 2-18. Back-filling.

Whenever a permit has been issued for a street opening and the excavation has been made, the trench or opening shall be back-filled with the same material that was removed from the trench to within eighteen (18) inches of the existing pavement except as may be hereinafter provided. The top eighteen (18) inches of the trench shall be filled with approved bank-run gravel. If a permit is issued during the winter time and the excavated material freezes, this frozen material shall not be replaced in the trench but shall be removed from the area and disposed of and the excavated area back-filled with an unfrozen material similar to that removed to within eighteen (18) inches of the surface. If the material excavated contains too much moisture for proper compaction, it shall be removed and replaced with a similar dry back-fill material.

All back-filling shall be thoroughly tamped or compacted either by hand tamping or power tampers. If hand tampers are used, it shall be placed in layers not over six (6) inches thick. If power tampers are used, back-filling material may be placed in twelve (12) inch layers and thoroughly compacted. Puddling of the back-fill will not be permitted except by special permission from the City Engineer. All material excavated for the trench shall be replaced in the trench except for the amount which may be displaced by the use of gravel for the top eighteen (18) inches. All back-fill shall be compacted to meet at least ninety-five per cent (95%) of total compaction as measured by the Proctor test.

The permittee shall be required to place a two (2) inch cold patch over the compacted gravel.

Sec. 2-19. Replacement of surface.

When an opening is made on a street where part or all of the surface is cement concrete, or granite block on a concrete base, the concrete shall be cut back at least eight (8) inches beyond the edges of the trench. All reinforcing steel encountered when removing the concrete shall not be cut off flush. Twenty-four (24) bar diameter stubs shall be retained and used for reinforcing in the new concrete when placed. In addition to the retained reinforcing, additional reinforcing steel shall be furnished to provide the equivalent of one-half ($\frac{1}{2}$) inch steep rods on twelve (12) inch centers both ways in the new concrete patch. The thickness of the concrete in the new patch shall be as thick as the existing concrete and the top surface of the concrete in the patch shall be finished to conform to the surface of the old concrete. This new concrete shall be protected from all traffic for not less than seven (7) days after being placed.

Where granite block is encountered under the paving, these blocks shall be removed and the area replaced with concrete in accordance with the requirements above described. After the concrete has been placed and before the permanent paved surface is put back, the edges of the old paving are to be painted with an asphaltic liquid.

When a street opening permit is issued on a street which has been constructed for heavy traffic and has a bituminous surface without a cement concrete base, the same amount of gravel and/or crushed rock shall be replaced in the trench as is removed when the excavation is made where this material exceeds the eighteen (18) inch depth as specified in item 4. When crushed rock is encountered directly below the bituminous concrete, a like amount of crushed rock shall be replaced and this crushed rock shall be penetrated with an approved liquid asphalt at the rate of at least one gallon per square yard before the permanent surface is replaced. Base course asphalt concrete may be substituted for the crushed rock.

Upon completion of the back-filling, cold patch and clean-up, the permittee shall so notify the City Engineer or his/her designee and request a final inspection of the project. After final inspection the City Engineer shall so notify the Director of Public Works or his/her designee and the City or permittee shall then restore the surface of the street to its original condition as directed by the City Engineer or his/her designee.

It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two years after restoring it to its original condition.

Sec. 2-20. Trenches in pipe laying.

Except by special permission from the City Engineer, no trench shall be excavated more than seventy five (75) feet in advance of pipe laying nor left unfilled more than seventy five (75) feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the City Engineer. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

Sec. 2-21. Prompt completion of work.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work as soon as practicable and in any

event not later than the date specified in the excavation permit therefore, or as subsequently extended by the Director of Public Works.

Sec. 2-22. Urgent work.

If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the City Engineer shall have full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee twenty-four (24) hours a day, to the end that such excavation work may be completed as soon as possible.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Director of Public Works' office is open for business.

Sec. 2-23. Nuisance abatement.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 9:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the City Engineer or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

Sec. 2-24. Excavation protection; new street improvements.

Whenever the City Council enacts any ordinance or resolution providing for the paving or repaving of any street, the City Engineer or his/her designee shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the date of the notice. Such notice shall also notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than thirty (30) days from the date of such notice unless the City Engineer or his/her designee determines that additional time should be allowed due to the scope of or conditions surrounding any particular project. The City Engineer or his/her designee shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and City departments or other persons that may desire to perform excavation work in said City street.

Within said thirty (30) days or other period so granted, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said granted period to perform such excavation work as may be required to install or repair utility

service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five (5) years from the date of enactment of said ordinance or resolution. During said five (5) year period no excavation permit shall be issued to open, cut or excavate in said street unless in the judgment of the City Engineer or his/her designee, an emergency as described in this article exists which makes it absolutely essential that the excavation permit be issued.

Every City department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said granted period so as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said City street during said five-year period.

Sec. 2-25. Preservation of monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until authorized to so do by the City Engineer.

Sec. 2-26. Inspections.

The City Engineer shall make such inspections as are reasonably necessary in the enforcement of this article. The City Engineer shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article. Any expense incurred shall be charged to the permittee.

Sec. 2-27. Insurance.

A permittee, prior to the commencement of excavation work hereunder shall furnish the City satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance, naming the City of Waterville as additional insured, of not less than one million dollars (\$1,000,000.00) and property damage insurance of not less than five hundred thousand dollars (\$500,000.00), duly issued by an insurance company authorized to do business in this state.

Sec. 2-28. Liability of City.

This article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

Sec. 2-29. Improper work.

If the work or any part thereof provided for in this article shall be unskillfully or improperly done, the City Engineer or the Director of Public Works may forthwith cause the same to be skillfully and properly done and shall keep an account of the expense thereof. In such case, the permittee in default shall pay to the City all its expenses incurred in correcting such improper work with an additional fifty per cent (50%) added thereto for its default; and thereafter no further permits shall issue to the permittee until such sum is paid in full to the City.

ARTICLE III. SNOW REMOVAL*

Sec. 3-1. Parking during and after snowfalls.

No vehicle shall be parked on any City street in such a manner that it interferes with the plowing of snow, between the hours of 11:59 p.m. and 6:01 a.m. from the first (1st) day of December to the thirtieth (30th) day of April. The following streets/sections of streets are exempt from this prohibition:

Main Street from the railroad tracks south to the intersection of the bridge and Spring Street connectors; *College Avenue* from the College Avenue underpass south to the intersection of Main Street; *Elm Street*; *Silver Street* from the intersection with Main Street to the intersection of Elm Street; *Water Street* from the intersection of Sherwin Street to the intersection of Spring Street connector; *Front Street*; *Common Street*; *Pleasant Street* from Gilman to Main Streets; *Sanger Avenue* from Colonial Street to Main Street; *Castonguay Square*; *Temple Street*; *Appleton Street*; *The Concourse*; and *Municipal parking lots*.

Sec. 3-2. Parking during snow removal.

For the purpose of facilitating the removal of snow, the Director of Public Works, upon authority of the chief of police, may place properly marked signs along any street or streets or portions thereof as he shall, from time to time, deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop or park within the spaces indicated by such signs.

Sec. 3-3. Removal of snow from residences and businesses.

When snow is removed from any residence or business, it shall not be placed on another's property, the street, any sidewalk plowed by the City or on any fire hydrant. Additionally, no snow shall be placed so that it obstructs the vision of anyone operating a vehicle within the City limits. The owner, tenant, or any other person having control of the area where snow is placed and the person placing the snow shall be liable for any violation of this section.

Sec. 3-4. Removal of sidewalk snow.

The tenant or occupant of any store, shop, dwelling house, factory, hotel or other building, or any vacant lot or land, bordering upon any sidewalk on the business parts of Main, Elm, Water, Silver, Common, and Temple Streets, College Avenue, The Concourse, and Kennedy Memorial Drive, and in case there shall be no tenant, the owner or any person having the care or control of any building or lot or land bordering upon the aforementioned streets, shall cause snow to be removed from such sidewalk within the following times:

- (1) Within four (4) hours of the ceasing of snowfall, if in the daytime.
- (2) Before 10:00 a.m. of the day following said snowfall if in the nighttime; provided that if the following day is Sunday, before 10:00 a.m. of the following Monday.

This provision shall be construed to extend to the removing of snow falling from any roof upon such sidewalk; but no person shall be required to remove any snow as aforesaid on Sunday. Such tenant or occupant, owner or agent, whenever ice shall have formed upon any sidewalk, as aforesaid, shall cause the same to be removed or to be properly covered or strewed with sand, ashes, or other suitable substance, in such a manner as to render said sidewalk safe and convenient for travelers on foot.

Sec. 3-5. Removal of ice resulting from car wash operation.

The operator, whether tenant, occupant or owner, of a building that is utilized for the purpose of washing automotive vehicles, commonly known as car washes, no matter where such car wash is located in the City shall, during the months of any year in which water is capable of freezing on streets and sidewalks, be responsible for the following:

- (a) During the period of time the car wash is open for business, it shall be the responsibility of the operator to minimize ice formation on the street and sidewalk within six (6) feet of the car wash operation exit; this responsibility may be accomplished by any means such as, but not so limited to, removal by manual or mechanical means of excess water to prevent the formation of ice; prevention of the formation of ice by the use of salt or chemicals, which salt or chemicals have been approved by the department of Public Works; and
- (b) At the time of the normal cessation of daily business operations, the operator must make provision to prevent the accumulation of ice on the sidewalk or within six (6) feet of the operation by any of the means provided for in subsection (a) above or in the alternative if ice has formed it shall be the obligation of the operator to provide for sanding of the street and sidewalk.

The first violation of this section shall consist of a warning notice issued either by the police department or a code enforcement officer. A second violation of this section shall result in the issuance of a summons and complaint, and shall result in a fine of twenty-five dollars (\$25.00). Subsequent violations shall be subject to the provisions of the Administrative Ordinance, Art. II, Sec. 2-9.

Sec. 3-6. Special night regulations.

- (a) It shall be unlawful for the operator of any vehicle to park such vehicle between the hours of 12:00 midnight and 6:00 a.m. from the first (1st) day of December to the first (1st) day of April in the ensuing year, on any street in the City, or in such sections of municipal parking lots as may be designated from time to time by the police department by appropriate signs. When overnight parking is prohibited in the Concourse, signs will be erected to notify the public.
- (b) Any person violating any of the provisions of this section shall pay a penalty of ten dollars (\$10.00).

Sec. 3-7. Removal of abandoned or unlawfully parked vehicles.

Any vehicle parked in violation of this article, or abandoned in such a location, shall, upon authorization by the Director or superintendent of Public Works or the police department, be towed at the owner's expense. If the vehicle owner or the owner's designee arrives after a tow truck has been called, but before the vehicle has been towed away, the owner can remove the vehicle, provided the owner pays one-half (½) the towing charge.

ARTICLE IV. STREET LIGHTS

Sec. 4-1. Street light review committee established.

A committee shall be established to provide for a uniform method to determine whether to install, rearrange, or to remove street lights.

The committee shall consist of the Director of Public Works and the City Police Chief and a member of the Safety Council. The committee shall be known as the street light review committee, and committee members shall serve for so long as they perform the functions of the above-named positions.

Sec. 4-2. Authority.

The street light review committee is hereby delegated the authority to investigate, consider, and recommend action by the City Council on the need for street lights on the public ways of the City.

Sec. 4-3. Findings of committee.

In the exercise of the authority delegated herein, the committee shall make its decision upon findings of fact by a majority of the committee. The action of installation, rearrangement, or removal must be based on positive findings of fact of the following standards, where applicable:

- (1) Will provide for the safety of pedestrians and vehicular traffic while using public ways;
- (2) Will provide for the protection of citizens from criminal activities that are dependent on the cover of darkness or where the rate of criminal incidents are high;
- (3) Will provide for effective illumination in direct relation to population density for residential areas of the City;
- (4) Will provide for effective illumination to attract business invitees in certain commercial areas; and
- (5) Will provide the optimal use of public funds in the attainment of the standards.

Any resident who disagrees with the finding of the Committee shall be afforded the opportunity to be present when the matter is presented to the Council.

Sec. 4-4. Submission of order to Council; action.

Upon determination of findings of fact that the standards of section 4-3 have been met, the committee shall submit an order, with findings of fact attached, to the City Council for its action. When any action is ordered to be undertaken by the City Council, the City Manager shall delegate the implementation of the order to the appropriate department head of an operating department.

ARTICLE V. VIOLATIONS

Violations of any provision of this ordinance shall be subject to the penalties as prescribed in the Administrative Ordinance, Article II, Section 2-9, unless a different penalty is provided herein.

A blue, stylized stamp with the word "APPROVED" in all caps, with a slight shadow effect.

Waterville City Council
Effective: September 30, 2007
(Ordinance 14-2007)

As Amended May 6, 2014
Effective: May 19, 2014
(Ordinance 62-2014)



TAXATION ORDINANCE

*As amended June 18, 2013
(Effective: July 20, 2013)*

Article I. General.

The purpose of this Ordinance is to provide for the collection and payment of property taxes, both real estate and personal.

Article II. Collection and payment.

Sec. 2-1. Quarterly due dates.

All real estate and personal property taxes shall be paid on a quarterly basis. The second Friday in October, December, March and June are hereby designated as the quarterly due dates beginning with the 2007-08 tax year.

Sec. 2-2. Payments applied.

Tax payments for real estate taxes are to be applied against outstanding or delinquent taxes that may be due on such property in chronological order beginning with the oldest unpaid tax payment. Payment of such outstanding or delinquent taxes is not to be applied to taxes due during a period for which an abatement request or appeal is as yet unresolved, unless there is written approval by the taxpayer to make such an application of the payment.

Sec. 2-3. Set-off method.

Pursuant to Title 36, Section 905, M.R.S.A., the city treasurer is hereby authorized and directed to withhold payment of any moneys due and payable to any taxpayer, excluding the payroll check of any employee, to an amount not in excess of the unpaid taxes together with interest and costs.

Article III. Collection of Past Due Personal Property Taxes

Any taxpayer who is not current in payment of personal property taxes will not be entitled to receive or renew any City license or permit.

No purchaser or lessee of the personal property upon which personal property taxes are owed will be entitled to receive or renew any City license or permit until said personal property taxes are paid.

APPROVED

Waterville City Council
Effective: July 14, 2007
(Ordinance 12-2007)

As amended: December 19, 2012
(Ordinance 217-2012)

As amended: June 18, 2013
(Ordinance 109-2013)



TRAFFIC ORDINANCE

*As amended August 20, 2013
(Effective: September 16, 2013)*

- Art. I. In General
- Art. II. Operation
- Art. III. Stopping, Standing and Parking
- Art. IV. Scofflaw Ordinance
- Art. V. Violations

ARTICLE I. IN GENERAL

Sec. 1-1. Authority to establish emergency regulations.

The Police Chief shall have the authority to make emergency traffic regulations, and such regulations shall remain in effect until the next meeting of the City Council.

Sec. 1-2. Enforcement.

It shall be the duty of the police department of this City to enforce the provisions of this ordinance. Officers of the police department are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this ordinance, provided that in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the police department may temporarily direct traffic, as conditions may require, notwithstanding the provisions of this ordinance.

Sec. 1-3. Police Chief--General duties.

The Police Chief shall determine and designate the character or type of all official traffic signs and signals and their location. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform throughout the City.

Sec. 1-4. Same--Authorized to mark crosswalks.

The Police Chief is hereby authorized to establish and to designate and shall thereafter maintain, or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

Sec. 1-5. Same--To mark safety zones, traffic lanes.

- (a) For the protection of pedestrians, the Police Chief, from time to time, is authorized to locate safety zones, by suitable designations, within the roadways or highways.
- (b) The Police Chief is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this ordinance.

Sec. 1-6. Display of unauthorized signs and signals.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or device, which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic other than signs denoting construction or obstructions in the street, or which hides from view any official traffic sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Police Chief is hereby empowered to remove the same or cause it to be removed without notice.

Sec. 1-7. Moving vehicle to avoid regulations.

The moving of vehicles from one location to another or removing chalk marks from tires to avoid the provisions of this ordinance shall be deemed a violation thereof.

Sec. 1-8. Removal and impoundment of certain vehicles.

Any police officer in the course of his duty, in his discretion, may remove, or cause to be removed, any vehicle left upon any street or way when such vehicle is not in the apparent charge of any driver or other person, or in violation of any provision of this ordinance, to any suitable place where the same shall remain impounded until reclaimed by the owner or some person acting under the owner's authority. Whatever costs shall be incurred by the officer in the removal of any such vehicle shall be a charge upon the owner thereof, and such charge shall be paid before delivery of the impounded vehicle to the owner.

Sec. 1-9. Parades.

- (a) Except for parades or processions exempted in the following paragraph, no parade or procession shall occupy or march on any public street without first obtaining a permit from the Chief of Police or his designee. Such permit shall be granted after the applicant files an application giving the name and address of the applicant, the name of the organization, the date and time of the event, and the location and route of the event. For traffic safety purposes, the Chief of Police or his designee may restrict the time, place or manner of any parade or procession. The chief officer of such parade or procession shall be responsible for compliance with all route requirements set by the Chief of Police or his designee. The Chief of Police or his designee will furnish such police escort as may be necessary to protect persons and property and maintain public peace and order.
- (b) No permit is required for parades or processions conducted by the police and fire departments or authorized military or naval forces of the state or of the United States.

ARTICLE II. OPERATION**Sec. 2-1. Driving on sidewalks restricted.**

It shall be unlawful for the operator of any vehicle to drive such vehicle on any sidewalk, except for the purpose of crossing the same when necessary, and then only by the shortest way between the street and the abutting estate.

Sec. 2-2. Driving on streets closed to traffic.

It shall be unlawful for the operator of a vehicle to drive over that part of any street which is being mended, repaired or paved, if wholly closed to travel.

Sec. 2-3. Driving through safety zone prohibited.

It shall be unlawful for the operator of a vehicle at any time to drive over or through a safety zone as is established by ordinance.

Sec. 2-4. Vehicles not to obstruct other vehicles.

It shall be unlawful for any operator of a vehicle to place such vehicle in any street so as to prevent or obstruct the passing of other vehicles, and it shall be unlawful for any operator to double park a vehicle or stop the same abreast of another vehicle lengthwise or otherwise in any street at any time.

Sec. 2-5. Unlawful to drive through a funeral procession.

It shall be unlawful for the operator of any vehicle to drive between or attempt to cut across the line of a hearse and the other vehicles and pedestrians constituting a funeral procession.

Sec. 2-6. Unlawful riding.

It shall be unlawful for any person to ride on any bus or vehicle upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies in space intended for merchandise.

Sec. 2-7. Establishment and designation of schedule of streets for the restricted truck traffic.

The City Council is hereby authorized to establish and designate from time to time those streets, or portions thereof, where public safety requires restricting or eliminating truck traffic. All such streets shall be designated by appropriate signs. The City Council may revoke, alter or amend the designation of any street as a restricted truck traffic area.

Sec. 2-8. Operation of motor vehicles in excess of 12,000 pounds on a street designated as a restricted truck traffic street.

No person shall operate any commercial vehicle exceeding twelve thousand (12,000) pounds, (gross weight, manufacturer's rated capacity) at any time upon any of the streets or portion of such street, designated as a restricted truck traffic area pursuant to section 2-7 above, except that such vehicles may be operated thereon for the purposes of delivering or picking up materials or merchandise, provided however that where such vehicles are used for such purposes, they enter restricted truck traffic areas at the intersection nearest the destination of the vehicle. Upon leaving the destination point, such vehicles shall leave the restricted truck traffic area by the shortest possible route. This section shall not apply to emergency vehicles, vehicles operated by the state highway department, vehicles operated by any public utilities firm, or vehicles operated by the public works department in the performance of their duties.

ARTICLE III. STOPPING, STANDING AND PARKING

Sec. 3-1. Fines.

- (a) Any person stopping, standing, or parking in a space for a period of time which is in violation of any section of this Article, shall be liable to a fine of ten dollars (\$10.00) for each violation. Failure to pay such fine within fourteen (14) calendar days of the violation shall cause such fine to be increased to twenty-five dollars (\$25.00).
- (b) Payment of any fines assessed by reason of this section shall be in the order said fines occurred until all outstanding fines have been paid. The order of payment hereunder shall include any charges for towing and storage.
- (c) Failure to pay a fine provided for in subsection (a), above, within the allowable fourteen-day period will, in addition to the fine increase and payment of charges for towing and storage, make the violator subject to a summons to the district court to enforce payment of the fines and charges for towing and storage.
- (d) In addition to the aforementioned fines and charges, the individual summoned into district court in accordance with this subsection (c) shall be subject to an additional fine of up to fifty dollars (\$50.00).

Sec. 3-2. Owner's responsibility.

No person shall allow, permit, or suffer any vehicle registered in his name to stand or park in any street or highway in violation of any of the provisions of this ordinance, or any amendment thereof.

Sec. 3-3. Police Chief to regulate parking time limits; posting charges.

The Police Chief is hereby authorized to change the designation of any parking time limit when in his discretion such change is necessary. All such changes in the parking time limit shall be appropriately posted in all sections affected by such change.

Sec. 3-4. Required manner of parking; exceptions.

Except when necessary in case of an accident to a vehicle or in obedience to traffic regulations or traffic signs or signals the operator of a vehicle shall park such vehicle headed in the direction of traffic, and with the curb-side wheels of the vehicle within one (1) foot of the edge of the roadway, except as provided in this section:

- (a) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at an angle to the curb indicated by such marks or signs.
- (b) The Police Chief shall determine upon what street angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

Sec. 3-5. Prohibited in specified places.

It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with traffic or in compliance with the directions of a police officer or traffic-control sign or signal:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) Within twenty-five (25) feet of a point where the curb lines extended would intersect at a street corner, or within such other distance in any specific location as shall be determined by the Chief of Police, and indicated by markings on the pavement or curb or by suitable signs, or both.
- (4) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (5) In any place where the use of any driveway will be obstructed.
- (6) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic.
- (7) Within ten (10) feet of either side of any fire hydrant when the location of such fire hydrant is indicated by signs, or suitable markings.
- (8) At angles in streets, and at or near intersections where the standing of vehicles would obstruct the free movement of traffic and in front of and opposite fire stations, passenger bus turnouts, where the Police Chief shall deem necessary and shall indicate by signs.
- (9) A space in a private parking lot open to the public marked by signs prohibiting parking or striping on the pavement, provided the owner or operator of the parking has entered into an agreement with the City for police enforcement of parking restrictions.
- (10) A space in a City owned parking lot open to the public marked by signs or striping on the pavement prohibiting parking.
- (11) Other such places which are from time to time established by ordinance.

Sec. 3-6. Loading zones.

For the purpose of restricting parking in front of doorways and entrances of buildings where people congregate, or where unusual loading or unloading of merchandise exists, the Police Chief shall have authority to determine the locations of loading zones, and he shall cause to be erected and maintained appropriate signs indicating such zones.

Sec. 3-7. Parking for the disabled.

- (a) It shall be a civil violation for the operator of any vehicle to park such vehicle in an officially designated disability parking space, whether the designated disability parking space is located on public ways or public parking lots or on private parking lots open to the public, unless the operator of any such vehicle has been issued a license or placard issued in accordance with the requirements of state statutes and this section.

- (b) Issuance of permits. Disabled persons and disabled veterans must apply to the office of the Secretary of State for issuance of special disability license plates or placards, as provided for in 29-A MRSA section 521, as amended. Temporary disability placards are issued by the Secretary of State as provided for in 29-A MRSA section 521, as amended.
- (c) The Police Chief shall designate the disability parking spaces on all public ways and public parking lots. Owners of private off-street parking lots open to the public may designate such parking spaces for the disabled on their private off-street parking lot areas open to the public.
- (d) All such parking spaces that are designated must be clearly marked as a disabled parking space. "Clearly marked" is defined to mean painted signs or distinctive colors on pavement or vertical standing signs with appropriate symbols or writing which are visible in existing weather conditions.
- (e) The Police Chief shall ensure that parking spaces as defined herein are used appropriately by disabled persons whether the spaces are designated on public ways or parking lots or on private parking lots open to the public. Any person found to be parking in a disabled parking space as that term is defined herein without special license plates or placards as those terms are defined herein, or a temporary handicap placard, shall be fined not less than \$200 and not more than \$500.

Sec. 3-8. Prohibition of parking in fire lanes.

- (a) It shall be a civil violation for the operator of any vehicle to park such vehicle in a properly designated fire lane.
- (b) The Police Chief may designate fire lanes in any public way or publicly owned parking lot.
- (c) Owners of private off-street parking lots open to the public may enter into an agreement with the City to enforce fire lane parking restrictions. The owners of private off-street parking lots must designate those spaces that are to be considered a fire lane in their private off-street parking lot areas open to the public. All such fire lane parking restrictions must be clearly marked as "fire zone--no parking". "Clearly marked" is defined to mean painted signs or distinctive colors on pavements or vertical standing signs with appropriate symbols or writing which are visible in existing weather conditions.
- (d) The police department shall ensure that the prohibition against parking in fire lanes in either public or private areas is enforced.
- (e) Any person parking in a designated fire lane parking space shall be fined in accordance with section 3-1.

ARTICLE IV. SCOFFLAW PROVISIONS

Sec. 4-1. Impoundment of motor vehicles for failure to pay parking violation charges.

Any vehicle, which has accumulated two (2) or more overdue parking violation charges may be removed and stored until all charges both for all outstanding violations and also the towing and storage charges have been paid.

Sec. 4-2. Procedure and notice.

The police officer requesting such removal shall at the time of such removal notify the police dispatcher of the intended storage location of the removed motor vehicle. Such information shall be recorded by the dispatcher for the use of the Chief of Police or his authorized representatives. The Chief of Police or his authorized representatives shall notify the registered owner of such vehicle within five (5) business days of the impoundment thereof, the storage location of such vehicle and the requirements for the release of the vehicle.

Sec. 4-3. Custody of vehicles.

Any person having custody of an impounded vehicle in accordance with sections 4-1 and 1-8 shall not release it until the Chief of Police or his authorized representatives certify that all charges for violations have been paid and that all charges for towing and storage have been paid, and the individual requesting the vehicle's release presents satisfactory evidence of his right to possession of the vehicle and signs a receipt therefore.

Sec. 4-4. Discovery of violation.

Any police officer who locates a vehicle in actual violation of the preceding sections of this article may, at his option, request the dispatcher to ascertain the most accurate current data available pertaining to the violating vehicle for the purpose of removing and impounding such vehicle. If the most current data available on such vehicle demonstrates that such vehicle is in violation of this article by having two (2) or more overdue parking violation charges, the police officer may then elect to order the towing of the vehicle to a predetermined impoundment location.

Sec. 4-5. Towing procedure.

Once towing has been initiated, one of the three (3) following conditions may occur:

- (a) If the tow truck is enroute to the scene but has not yet arrived, and the owner or driver has arrived, then the owner or driver must pay the tower, on arrival, in the amount of one-half ($\frac{1}{2}$) of the towing charge and must pay the Chief of Police or his authorized representative for all overdue parking violation charges to effect on-the-scene release of the vehicle.
- (b) If the tow truck and vehicle owner or driver arrive on the scene at approximately the same time, the owner or driver must pay the tower the amount of one-half ($\frac{1}{2}$) of the towing charge and must pay the Chief of Police or his authorized representatives for all overdue parking violation charges to effect on-the-scene release of the vehicle.
- (c) If the vehicle is actually towed away for impoundment, then the vehicle owner or his designee must pay the Chief of Police or his authorized representatives for all overdue parking violation charges and must pay the tower for all towing and/or storage charges in order to gain release of the vehicle provided the owner or designee has satisfactorily presented evidence of his right to possession of the vehicle.

ARTICLE V. VIOLATIONS

Violations of any provision of this ordinance shall be subject to the penalties as prescribed in the Administrative Ordinance, Article II, Section 2-9, unless a different penalty is provided herein.

APPROVED

Waterville City Council
Effective: June 4, 2007
(Ordinance 7-2007)

As amended: December 19, 2012
(Ordinance 218-2012)

As amended: August 20, 2013
(Ordinance 142-2013)



VEHICLE EXCISE TAX ORDINANCE

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption: qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814 (1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. City's agent fee: Exemption

Vehicles owned by a resident of this municipality who have Disabled Veteran plates (DV) and are exempt from the State registration fee and excise tax shall also be exempt from the City's agent fee.

Section 4. Effective date: duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

APPROVED

Waterville City Council

Effective: January 21, 2014
(Ordinance 209-2013)