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## Charter and Ordinances of the City of South Portland

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**Charter and Ordinances**  
**OF THE**  
**CITY OF SOUTH PORTLAND**

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**CHAPTER 242**  
**PRIVATE LAWS OF 1895**

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Published by the  
**CITY OF SOUTH PORTLAND, MAINE, 1909**



# CITY CHARTER.

## ORIGINAL CHARTER.

### *CHAPTER 242.—PRIVATE LAWS OF 1895.*

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. The inhabitants of the town of South Portland, in the County of Cumberland, shall, in case of the acceptance of this act by the voters of said town, as hereinafter provided, continue to be a body politic and corporate under the name of South Portland, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent upon said town as a municipal corporation, or appertaining to or incumbent upon, the inhabitants or Selectmen thereof; and may ordain and publish such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof, not exceeding twenty dollars for any offense, which may be recovered to the use of the city, by action of debt, or on complaint before the Municipal Court of said city.

SECTION 2. The administration of all fiscal, prudential and municipal affairs of said city with the government thereof shall be vested in an officer to be called the Mayor, and one Council of seven to be denominated a Board of Aldermen; all of whom shall be inhabitants of said city and legal voters therein. Said Mayor and Aldermen shall constitute the City Council, and shall be sworn, or affirmed for the faithful discharge of their duties.

SECTION 3. The Mayor of said city shall be the Chief Executive Magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the

city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the City Council, when, in his opinion, the interests of the city require it, by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member thereof. He shall from time to time, communicate to the City Council, such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside at the meetings of the City Council, but shall have only a casting vote. The salary and compensation of the Mayor shall be one hundred dollars per year for the first five years, under this Charter. It may then be diminished or increased by the Council. The Mayor shall, in the month of February, annually, prepare and lay before the City Council an estimate of the amount of money necessary to be raised for the ensuing financial year, under the various heads of appropriation, and the ways and means of raising the same; and shall also, in the month of February, annually prepare and lay before the City Council a statement of all the receipts and expenditures of the preceding financial year, giving in detail the amount of expenditures for each department; and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the city, and the value thereof, and amount of city debt.

SECTION 4. For the purpose of holding elections, the territory of said city shall, as soon as may be after the first election under this act, be divided by ordinance by the City Council into seven wards, to contain as nearly as may be, consistently within well defined limits, an equal number of legal voters; and it shall be the duty of the City Council once in ten years at most, and not oftener than once in five years, to review, and if in their opinion it be needful, to alter such wards in such manner as to preserve, as nearly as may be, an equal number of legal voters in each ward.

SECTION 5. The Mayor shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. One Alderman, a member of the School Committee, a Warden, a Ward Clerk and one Constable, shall be elected by each ward, being residents in the ward where elected. All of said officers shall be elected by ballot as hereinafter provided.

SECTION 6. The municipal elections, after the first, shall take place annually, on the first Monday in March. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the Mayor and Aldermen, in the manner provided by the laws of this state for notifying and calling town meetings by the Selectmen of the several towns. The Wardens shall preside at all ward meetings, with the powers of Moderators at town meetings; and if at any ward meeting the Warden shall not be present, the Clerk shall preside till a Warden, *pro tempore*, shall be chosen. If neither the Warden nor Clerk is present, any legal voter in the ward shall preside until a Clerk, *pro tempore*, shall be chosen and qualified.

SECTION 7. The City Council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons trusted with the receipt, custody or disbursement of money; the City Council shall also have the care and superintendence of the city buildings, and the custody and management of all city property and trust funds for the benefit of schools, public library, parks, cemeteries and for any other beneficial purpose, whether acquired by purchase or legacy; with power to let or sell what may be legally let or sold, and to purchase and take, in the name of the city, real and personal property for municipal purposes to an amount not exceeding one hundred thousand dollars in addition to that now held by the town, and shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of the receipts and expenditures and a schedule of the city property and the city debt. The city shall have the power to establish by ordinance such officers as may be necessary for municipal government not provided for by this act, and to elect such subordinate officers as may be elected by towns under general laws of the state for whose election or appointment other provision is not made; to define their duties and fix their compensation; to act upon all matters in which authority is now given to said town of South Portland, and to determine what streets, if any, shall be lighted and upon what terms. The City Council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year. The City Council shall have exclusive authority to lay out, widen or otherwise

alter or discontinue any and all streets or public ways in said city, and as far as extreme low water mark, and to estimate all damages sustained by owners of land taken for such purpose. A committee of the Council shall be appointed whose duty shall be to lay out, alter, widen or discontinue any street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in two newspapers printed in South Portland or Portland, for three weeks at least, next previous to the time appointed. The committee shall first hear all parties interested, and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owners of the land taken, when known and the damages allowed therefor; the return shall be filed in the City Clerk's office at least seven days previous to its acceptance by the City Council. The street or way shall not be altered or established until the report is accepted by the City Council. And the report so filed shall not be altered or amended before it comes up before the City Council for action. A street or way shall not be discontinued by the City Council, except upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the City Clerk seven days at least before its acceptance. Any party aggrieved by their decision may appeal therefrom as provided by law in the case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owners shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets; and in such cases, if any appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the City Council, the public good requires it to be done; nor shall the city interfere with possession of the land so taken by removing therefrom

materials or otherwise, until they decide to open said street. The City Council may regulate the height and width of the sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of the sidewalks, and may locate and construct culverts and reservoirs within the limits of any street or way in said city, whenever they deem it needful. Every law, act, ordinance, resolve or order of the City Council excepting rules and orders of a parliamentary character, shall be presented to the Mayor. If not approved by him he shall return it with his objections in writing at the next stated session of the City Council, which shall enter the objections at large on its journal, and proceed to reconsider the same. If, upon reconsideration, it shall be passed by vote of two-thirds of all the members of the Board, it shall have the same force as if approved by the Mayor. In case of vacancy in the Mayor's office, this section shall not apply to any act of the Council. In case the Mayor fails to either sign or return the bill at the next session, then it becomes a law as though he had signed it.

SECTION 8. The City Clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have care of all journals, records, papers and documents, of the city; and shall deliver all journals, records, papers and documents, and other things entrusted to him as City Clerk, to his successor in office. He shall be Clerk of the City Council, and do such acts in said capacity as the City Council may lawfully and reasonably require of him. He shall perform all the duties, and exercise all the powers by law incumbent upon or vested in the Town Clerk of the town of South Portland. He shall attend all meetings of the City Council, and keep a journal of its acts, votes and proceedings. He shall engross all of the ordinances passed by the City Council in a book provided for the purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; he shall issue to every person who is appointed to any office by the Mayor, or elected to any office by the City Council, a certificate of such appointment or election. He shall give notice of time and place of regular ward meetings. In case of the temporary absence of the City Clerk, the City Council may elect a Clerk, *pro tempore*, with all the



powers, duties and obligations of the City Clerk, who shall be duly qualified.

SECTION 9. The Assessors, Overseers of the Poor and Health Officers shall be elected by the City Council on the second Monday in March, or as soon thereafter as may be. At the first election thereof under this act, three persons shall be elected Assessors, one of whom shall be elected for one year, one for two years and one for three years, and at each subsequent election one Assessor shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. Three Overseers of the Poor shall be elected in the same manner as are the Assessors, and shall hold office the same time, and all subsequent elections of these officers shall be in the same manner as all subsequent elections for Assessors. The City Council may elect an Assistant Assessor in each ward, whose duty it shall be to furnish the Assessors with all necessary information relative to persons and property taxable in his ward. He shall be sworn or affirmed, to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, except as herein modified, and the City Council may establish further or additional provisions for the collection thereof, and of interest thereon. The City Council shall also elect a City Solicitor and determine his salary.

SECTION 10. The City Council shall, annually, as soon after its organization as may be convenient, elect by ballot a City Clerk, a City Treasurer and an Auditor, who shall hold their offices for the current municipal year following their election and until their respective successors shall be elected and qualified; *provided*, however, that either of the officers named in this section may be removed at any time by the City Council for sufficient cause. Vacancies in the above named offices may be filled by ballot of the City Council at any time. The compensation of the officers named in this section shall be fixed by vote of the City Council, and the official fees by them received shall be paid into the city treasury if so ordered by the Council. If it is deemed expedient by the City Council, the offices of City Clerk and City Treasurer may be held by the same person. The Treasurer of the city shall also be

the collector of taxes for said city, with all the powers of collectors of taxes under the laws of this state. He shall be styled Treasurer and Collector, and shall give but one bond to be approved by the City Council for the faithful performance of his duties; and may appoint assistants and deputies as provided by law. All warrants directed to him by the assessors and municipal officers shall run to him and his successors in office, shall be in the form prescribed by law, changing such parts only as by this act are required to be changed. The method of keeping, vouching and settling his accounts shall be subject to such rules and regulations as the City Council may establish. Said Treasurer and Collector shall collect all such uncollected taxes and assessments, in whatever year assessed, as may be collected during his term of office; and at the expiration of said term, his power as Collector shall wholly cease; all sales, distresses, and all other acts and proceedings, lawfully commenced by him as such Treasurer and Collector may be as effectually continued and completed by his successor in office as though done by himself; and all unreturned warrants, which would otherwise be returnable to him, shall be returned to his successor in office.

SECTION 11. I. There shall be annually elected by the City Council a Street Commissioner, who shall give bonds to the city in the sum of one thousand dollars, with such sureties as the City Council shall approve, for the faithful performance of his duty, and shall receive such compensation as the City Council shall establish, and he shall be removable at their pleasure; and if said office shall become vacant by death, resignation or otherwise, they shall forthwith elect another person.

II. It shall be the duty of the Street Commissioner to superintend the general state of the streets, roads, bridges, excepting such bridges as it is the duty of the City of Portland and County of Cumberland to keep in repair, sidewalks and lanes in the city; to attend to the repairs of the same, and to remove sidewalks when they are dangerous to travelers; and it shall be the duty of the Commissioner to cause permanent bounds, monuments or land marks, to be erected at the termini and angles of all highways and streets now located, or that may hereafter be located by the Council, or altering or widening as provided by statute, and shall cause plans thereof to

be made and filed with the City Clerk, when required, after the passage of an order by the Council. He shall make all contracts for labor and material, subject to the approval of the Council, and give notice to the Mayor, or to any police officer or constable, of any obstruction or encroachment thereon; to superintend the building and repair of any sewer, drain or reservoir, and to make contracts for labor and material for the same, subject to approval of the Council.

III. He shall perform such duties in said office as the City Council may require, and shall at all times obey the directions of the Council or its committees, in the performance of his official duties.

IV. The Street Commissioner shall certify all accounts contracted in the discharge of his official duties, to the City Council for their examination and allowance, at each regular meeting of the Council.

V. No person or corporation authorized by the City Council to dig up any public street or sidewalk in said city shall begin such digging before furnishing to the Street Commissioner, security satisfactory to him to restore such street or sidewalk to its former condition.

SECTION 12. The City Council may by the affirmative vote of two-thirds of all its members, establish, by ordinance, a police department, to consist of a Chief of Police and such other officers and men as it may prescribe, and may make regulations for the government of the department. Until a department of police shall be established in accordance with the provisions of this act, the Mayor shall have the appointment, control and direction of the police force of the city.

SECTION 13. The City Council may establish a fire department for said city, to consist of such officers and men as it may prescribe, and it may make regulations for the government of the department.

SECTION 14. The City Council shall establish, by ordinance, the regular salaries or remuneration of the offices established by this act, in case the same is not fixed herein, and of such other offices as may be hereafter established, and after the first municipal year no ordinance of the Council changing any such salary or remuneration, shall take effect until the municipal year succeeding that in which the ordinance is passed.

SECTION 15. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed three hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of this city, the affirmative votes of a majority of all the members of the City Council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll call. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city, until an appropriation has been duly voted by the City Council sufficient to meet such expenditure or liability, together with all unpaid liabilities which are payable out of such appropriation; *provided, however*, that after the expiration of the financial year until the passage of the regular annual appropriation, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one-quarter of the total of such appropriation for the preceding year. No money shall be paid out of the city treasury, except on orders signed by the Mayor, designating the fund or appropriation from which said orders are to be paid.

SECTION 16. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town shall, at least seven days before the first Monday of March after the acceptance of this Charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a Mayor, seven Aldermen, a School Committee of seven, and seven Constables to be taken from the city at large; said officers shall be elected by a plurality vote. The Town Clerk shall notify the several officers-elect, of their election, in writing, within twenty-four hours. Their powers and duties shall be as herein provided. After the city has been divided into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the City Council, and the records of said first meetings in the

several wards shall be made by some person designated by the City Council, and at said first meetings lists of voters, corrected by the Aldermen, shall be delivered to the persons designated to act as recording officers in the several wards to be used as provided by law, in town meetings. Said recording officers shall perform the duties of Ward Clerks, as before herein provided, relative to making a record of the election and returning a copy of the records of the City Council. On the first Monday in March, annually thereafter the qualified voters of each ward shall vote on one ballot for city and ward officers, as hereafter provided for, all of which officers except the Mayor shall be residents of the ward or district where elected. And all officers shall be elected by ballot, by a plurality of the votes given, and shall hold their offices one year from the second Monday in March, except members of the School Committee who shall be chosen for three years after the first election under this Charter, and until others shall be elected and qualified in their places; all city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding the removal after their election, out of their respective wards, into any other ward in the city; the Ward Clerk within twenty-four hours after such election shall deliver to the ward officers elected, certificates of their election, and shall forthwith deliver to the Clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the City Clerk upon the city records. If the person elected shall refuse to accept the office, the said Board shall issue their warrants for another election; and in case of a vacancy in the office of Mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, to be called as herein provided, and held within twenty days after the vacancy occurs. The oath or affirmation prescribed by this act shall be administered to the Mayor by the City Clerk, or any Justice of the Peace. The Aldermen-elect shall meet on the second Monday of March at seven o'clock in the evening, when the oath or affirmation, required by the second section of this act shall be administered to the members present by the Mayor, or any Justice of the Peace. The City Council shall by ordinance, determine the times of holding stated or regular meetings of the Board, and shall also in like manner determine the manner

of calling special meetings and the persons by whom the same shall be called, but until otherwise provided by ordinance, special meetings shall be called by the Mayor by causing a notification to be given in hand or left at the usual residence of each member.

SECTION 17. After the organization of the city government and the qualification of a Mayor, and when a quorum of the City Council shall be present, said Board, the Mayor presiding, shall proceed to choose a permanent chairman, who in the absence of the Mayor, shall preside at all meetings of the Board, and in case of any vacancy in the office of Mayor caused by death, resignation or otherwise, he shall exercise all the powers and perform all the duties of the office so long as such vacancy shall remain; he shall continue to have a vote in the Board, but shall not have the veto power. The Board of Aldermen, in the absence of the Mayor and permanent chairman, shall choose a President, *pro tempore*, who shall exercise the power of a permanent chairman.

SECTION 18. Every officer of the city, except the Mayor, shall, at the request of the City Council, appear before the Board and give such information as may be required, and answer any questions that may be asked by the Council in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

SECTION 19. The Aldermen shall not be entitled to receive any salary or other compensation during the year for which they are elected, nor be eligible to any office of profit or emolument, the salary of which is payable by the city, during said term; and all departments, boards, officers and committees, acting under the authority of the city and instructed with the expenditure of public money, shall expend the same for no other purpose than that for which it is appropriated, and shall be accountable therefor to the city in such manner as the city may direct.

See Amendment  
Page 19.

SECTION 20. Neither the Mayor, members of the Board of Aldermen, or any officer of the city, shall be interested, directly or indirectly, in any contract or agreement to which the city is a party. This provision shall not apply to local

tradesmen furnishing supplies of any kind in their line to the city.

SECTION 21. All officers of the Police Department shall be appointed by nomination by the Mayor and confirmed by the City Council, and may be removed by them for good cause. All other subordinate officers shall be elected by the City Council, and may be removed by them for cause. Except as otherwise especially provided in this act, all subordinate officers shall be elected annually on the second Monday of March, or as soon thereafter as may be, and their term of office shall be for one year, and until others are qualified in their place.

SECTION 22. No person shall be eligible for election or appointment to any office established by this act, unless at the time of election he shall have been a citizen of the United States, and a resident of the city for at least three months. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city.

SECTION 23. I. A Municipal Court is hereby established to be denominated the Municipal Court of South Portland, and to consist of one Justice who shall be an inhabitant of said town and a person of sobriety of manners. Said Judge shall be appointed as provided by law for the appointment of Judges of Municipal and Police Courts and shall be, *ex-officio*, a Justice of the Peace and of the Quorum for the State, and have and exercise concurrent jurisdiction with Trial Justices of the County of Cumberland over all matters and things within their jurisdiction, and such authority and jurisdiction additional thereto as are conferred upon him by this act.

II. Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said city, and concurrent jurisdiction of all such criminal offenses and misdemeanors committed therein as are cognizable by Trial Justices, and concurrent jurisdiction of all civil actions in the County of Cumberland wherein the debt or damages demanded do not exceed twenty dollars.

See Amendment  
Page 20.

III. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate, according to the pleadings or brief statement filed therein by either party, is in question; and all such actions

brought therein shall be removed to the Supreme Judicial Court, or otherwise disposed of as in like cases before a Trial Justice.

See Amendment  
Pages 20-21.

IV. Said court shall be held on the first and third Saturday of each month, at nine o'clock in the forenoon, for the transaction of civil business, at such place within said city, as said Judge shall determine; but the Council may at any time, provide a court room in which case the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time, by the Judge at his discretion; but it shall be considered in constant session for the cognizance of criminal actions.

V. If said Judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of said city, or any deputy sheriff residing therein, without detriment to any action then returnable or pending, until he can attend, when said action may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term with the same effect as if originally made returnable at said term.

VI. Said Judge may establish a seal for said court, or use the seal in common use by Trial Justices; and in addition to the judicial duties imposed upon him by this act, he shall keep the records of said court or cause them to be made and kept; and perform all other duties required of similar tribunals in this State; and copies of such records duly certified by said Judge shall be legal evidence in all courts. All writs and processes issuing from said court shall be in the usual form, bear the teste of the Judge, and be signed by him; and shall be served as like precepts are required to be served when issued by Trial Justices. But warrants in criminal cases issuing from said court shall be made returnable before the same; and no writ in a civil action shall be made returnable at a term of said court to begin more than two calendar months after the commencement of the action.

VII. Actions in said court shall be entered on the first



day of the term and not afterwards, except by special permission. When a defendant, legally served, fails to enter his appearance by himself or his attorney, on the first day of the return term, he shall be defaulted; but if he afterwards appears during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue with a brief statement of special matters of defence, on or before the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court for good cause enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer, seasonably answered to, shall be in order for trial at the return term, and shall remain so until tried or otherwise finally disposed of, unless continued by consent or on motion of either party for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or finally disposed of, shall be continued as of course, and be in order for trial at the next term.

See Amendment  
Page 21.

VIII. The Judge of said court may demand and receive the same fees as are allowed to Trial Justices in similar cases, except that he shall be entitled to fifty cents for a complaint and warrant in criminal actions, twenty-five cents for the entry in a civil action, and one dollar for the trial of an issue, civil or criminal, and two dollars for every day after the first, occupied in such trial, to be paid by the plaintiff in civil actions and recovered by him as costs, if he prevail in the suit; and the fees so received by the said Judge shall be payment in full for his services.

IX. The costs and fees allowed to parties, attorneys, and witnesses in all actions in said court, shall be the same as allowed by Trial Justices in actions before them; except that the plaintiff, if he prevail, shall be allowed one dollar for his writ, and the defendant, if he prevail, one dollar for his pleadings.

X. Any party may appeal from a sentence or judgment of said court to the then next term for civil or criminal busi-

ness, as the case may require, to the court having jurisdiction within the County of Cumberland, by appeal from Trial Justices; and such appeal shall be taken and prosecuted in the same manner as from a sentence or judgment or a Trial Justice.

XI. Trial Justices are hereby restricted from exercising any jurisdiction in said South Portland over any matter or thing, civil or criminal, except such as are within the jurisdiction of Justices of the Peace and of the Quorum, and except that they may issue warrants on complaints for criminal offenses returnable before said court; or in case of the death, disability or long continued absence from the State, of the Judge, before themselves or some other Trial Justice within and for said county; *provided*, that said restrictions shall be suspended until the said Judge shall be appointed and enter upon the duties of his office.

SECTION 24. The members of the School Committee first elected under the provisions of this Charter, at their first meeting shall designate by lot, three of their number to hold office for three years, three for two years, and one for one year, and shall allot one member to represent each of said seven wards. Each member elected thereafter to fill the place of one whose term expires, shall hold office three years. They shall fill all vacancies in their number until the next annual election. A majority of the Board shall constitute a quorum for the transaction of business. They shall have all the powers and perform all the duties in regard to the care and management of the public schools of said town which are now conferred upon Superintending School Committees by the laws of this State, including the employment of all teachers. They may, annually, and whenever there is a vacancy, elect a Superintendent of Schools, who may be a member of the committee, for the current municipal year, who shall have the care and supervision of said public schools under their direction, and act as Secretary of their Board; they shall fix his salary at the time of his election, which shall not be increased nor diminished during the year for which he is elected, and may at any time dismiss him if they deem it proper or expedient. A suitable

See Amendment  
Page 27.

and convenient room shall be furnished by the city for the meetings of said committee, wherein shall be kept their records open to the inspection of the citizens. The said committee shall, annually, before the spring election, furnish to the City Council an estimate in detail of the several sums required during the ensuing year for the support of said public schools, and they shall not increase the expenditures beyond the amount appropriated therefor. The Mayor shall be, *ex-officio*, chairman of the School Committee, but shall have no vote unless the members present and voting be equally divided.

SECTION 25. The City Council may lay out, maintain and repair all main drains or common sewers in said city, in manner and form prescribed by statute.

SECTION 26. General meetings of the citizens, qualified to vote in the city affairs may, from time to time, be held to consult upon the public good, to instruct their representatives and to take all lawful measures to obtain redress of any grievances according to the rights secured to the people by the Constitution of this State; and such meetings shall be duly warned by the Mayor and Aldermen upon requisition of twenty qualified voters. The City Clerk shall act as clerk of such meetings and record the proceedings upon the city records.

SECTION 27. A town meeting may be held at the usual place of meeting, in said town, for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time within five years after the passage thereof, except in the months of September and November. At such meeting the polls shall be open from eight o'clock in the forenoon until five o'clock in the afternoon, and the vote shall be taken by written or printed ballots in answer to the question, "Shall the act passed by the Legislature in the year of our Lord one thousand eight hundred and ninety-five, entitled 'An act to incorporate the City of South Portland' be accepted." The Selectmen shall preside at such election and use a check list. The affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so held this act shall fail to be thus accepted, it may, at the expiration of six months from any

such previous meeting, be again thus submitted for acceptance, but not after the period of five years from the passage thereof. Such meetings shall be called as provided for by general laws of the State for calling and holding meetings for the transaction of town business.

SECTION 28. The passage of this act shall not affect any right accruing or accrued, or any suit, prosecution or other legal proceedings pending at the time when it shall take effect by acceptance as herein provided for, and no penalty or forfeiture previously incurred shall be affected thereby. All persons holding office in said town at the time this act shall be accepted as aforesaid, shall continue to hold such offices until the organization of the City Government hereby authorized shall be effected, and until their respective successors shall be chosen and qualified.

SECTION 29. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said town, shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town, as herein prescribed, in which case all acts and parts of acts inconsistent with this act, are hereby repealed.

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## AMENDMENTS TO CITY CHARTER.

### *CHAPTER 93.—PRIVATE LAWS OF 1899.*

AN ACT TO AMEND SECTION NINETEEN OF CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PRIVATE AND SPECIAL LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE, RELATING TO THE CHARTER OF THE CITY OF SOUTH PORTLAND.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Amend section nineteen of chapter two hundred and forty-two of the private and special laws of eighteen hundred and ninety-five by substituting the word "intrusted" for the word instructed in the sixth line of said section, so that said section as amended shall read as follows:

SECTION 19. The Aldermen shall not be entitled to receive any salary or other compensation during the year for which they are elected, nor be eligible to any office of profit or

emolument, the salary of which is payable by the city, during said term; and all departments, boards, officers and committees, acting under the authority of the city and intrusted with the expenditure of public money, shall expend the same for no other purpose than that for which it is appropriated, and shall be accountable therefor to the city in such manner as the city may direct.

NOTE.—This amendment simply corrects what was obviously a clerical error and makes Section 19 of the Charter read as was originally intended.

CHAPTER 138.—PRIVATE LAWS OF 1905.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PRIVATE AND SPECIAL LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF SOUTH PORTLAND."

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Item two of section twenty-three, of chapter two hundred and forty-two of Private and Special Laws of eighteen hundred and ninety-five is hereby amended so that the same shall read as follows:

Item II. "Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said city, and of the local Board of Health therein, and of such criminal offenses and misdemeanors committed therein, as are cognizable by Trial Justices; and of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties reside in said city, except when the Judge of said court is interested in any such action as party or attorney; and original jurisdiction concurrent with the Superior Court of the County of Cumberland in all civil actions wherein the debt or damages do not exceed fifty dollars, exclusive of costs, in which any party to the action or person summoned as Trustee shall reside, or, if not an inhabitant of the State, shall be commorant or have a place of business, in said city."

See Amendment  
Page 21.

SECTION 2. Item four of section twenty-three of chapter two hundred and forty-two of the Private and Special Laws

of eighteen hundred and ninety-five, is hereby amended so that same shall read as follows :

Item IV. "Said court shall be held on each Tuesday, at nine o'clock in the forenoon, for the transaction of civil business, at such place within said city as said Judge shall determine; but the City Council may at any time, provide a court room, in which case the court shall be held therein and all civil processes shall be made returnable accordingly, and it may be adjourned from time to time, by the Judge at his discretion; but it shall be considered in constant session for the cognizance of criminal actions. The Judge of said court may punish contempts against his authority by fine or imprisonment, or compel the attendance of witnesses, and administer oaths in civil and criminal cases."

SECTION 3. Item eight of section twenty-three of chapter two hundred and forty-two of the Private and Special Laws of eighteen hundred and ninety-five, is hereby amended so that the same shall read as follows :

Item VIII. "The Judge of said court shall receive a salary of six hundred dollars per year from the first day of January, in the year of our Lord nineteen hundred and five, to be paid him in quarterly payments from the county treasury of Cumberland County, which shall be in full for his services as such Judge. All blanks, civil and criminal, dockets and record books, required by said court, shall be furnished by the County of Cumberland."

#### CHAPTER 35.—PRIVATE LAWS OF 1907.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PRIVATE AND SPECIAL LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF SOUTH PORTLAND," AS AMENDED BY CHAPTER ONE HUNDRED AND THIRTY-EIGHT OF THE PRIVATE AND SPECIAL LAWS OF NINETEEN HUNDRED AND FIVE.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Item two of section twenty-three of chapter two hundred and forty-two of Private and Special Laws of eighteen hundred and ninety-five, as amended by chapter one hundred thirty-eight of the Private and Special Laws of nineteen hun-

dred and five, is hereby further amended, so that the same shall read as follows:

Item II. "Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said city, and of the local Board of Health therein, and concurrent jurisdiction of all such criminal offenses and misdemeanors committed therein as are cognizable by Trial Justices, and concurrent jurisdiction of all civil actions in the County of Cumberland wherein the debt or damages demanded do not exceed twenty dollars, except when the Judge of said court is interested in any such action as party or attorney; and original jurisdiction concurrent with the Superior Court of the County of Cumberland in all civil actions wherein the debt or damages do not exceed fifty dollars, exclusive of costs, in which any party to the action or person summoned as Trustee shall reside, or, if not an inhabitant of the State, shall be commorant or have a place of business, in said city."

See Amendment  
Page 28.

*CHAPTER 334.—PRIVATE LAWS OF 1907.*

AN ACT ADDITIONAL TO CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PRIVATE AND SPECIAL LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF SOUTH PORTLAND."

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. The City Council of South Portland may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city, and may authorize posts and trees to be placed along the edge of said sidewalk.

SECTION 2. The City of South Portland may at its option require the owners of adjacent property to construct footways or sidewalks.

SECTION 3. The City of South Portland may at its option, without notice and under such regulations or orders as it may have established or passed or may hereafter establish or pass, construct sidewalks or footways laid with brick, flat stones, concrete or other materials, with suitable curbs on any street or portion thereof, and direct one-half the cost thereof to be

assessed on adjacent lots, and for that purpose may direct the curb to be set at any time previous to the construction of the sidewalk and cause the cost of the curb and the cost of the paving of the walk to be assessed separately as each is or may be done, *provided*, that no owner or proprietor shall be assessed for more than two hundred feet in length for said sidewalk or footway on any one street in front of any unimproved lots or parcels of land.

SECTION 4. The expense of said walks complete or of said curbs, or of said paving, shall be estimated and assessed within one year, by the Mayor and Aldermen of said city on the several lots chargeable therewith and by them certified to the City Treasurer, in the manner and with all rights to the parties interested, as provided in the above section and be enforced as therein provided, but said assessment shall at any time be corrected on due notice and certified anew by the Mayor and Aldermen aforesaid and no assessment shall be void by reason of error in the name of the owner or occupant of the lot assessed, provided that the lot assessed is so described that the same may be distinctly known.

See Amendment  
Page 25.

SECTION 5. The expense of sidewalks, footways, materials, curbs on any street or portion thereof constructed in the City of South Portland since March twelfth, nineteen hundred and five, which have been estimated and assessed on the adjoining property with suitable notice to the owners thereof, shall constitute a lien on the real estate so assessed for two years after the passage of this act and shall be certified and collected by levy and sale of the real estate if not paid within three months after a written demand of payment made to the owner or occupant of said adjoining premises, said sale to be conducted in like manner as sale for non-payment of taxes of land of resident owners and with a similar right of redemption, and all assessments for the cost of constructing any sidewalk or footway hereafter made in the City of South Portland shall be subject to the provisions contained in the preceding section.

Repealed by Act  
of 1909.

SECTION 6. The City of South Portland may require the owner of any lot or ground



Repealed by Act  
of 1909.

fronting on any street or way in said city, to cause the footway or sidewalk in front of said lot to be paved with bricks or flat stones or concrete or other suitable material, the same to be done under the direction and to the approbation of the committee on streets. If the owner of such lot shall neglect to pay and construct the same as aforesaid for the space of twenty days after he or the tenant of the lot shall have been thereto required in writing by the Commissioner of Streets, it shall be the duty of said Commissioner to construct the sidewalk or footway and the city shall have a lien on the abutting real estate for the expense thereof, to be enforced as in the following section.

See Amendment  
Page 25.

SECTION 7. The City Council, before requiring any such sidewalk or footway to be so constructed shall by a general ordinance assume a portion of said expense to an amount not less than one-half thereof to be paid by the city in money or materials, but no owner or proprietor shall be required to construct as aforesaid more than two hundred feet in length of a sidewalk or footway in any one street in front of any unimproved lots or parcels of land. All assessments on account of the sidewalks and charges on account of the same shall constitute a lien on the real estate so assessed for two years after they are laid. They shall be certified by the Mayor and Aldermen under their hands to the Treasurer and Collector of said city and his successors with directions to collect the same according to law and may, together with all incidental costs and expenses and interest thereon at six per cent from the date of demand for payment thereof, be levied by sale of the estate by him or them if the assessment is not paid within three months after a written demand of payment made by him or them either upon the persons assessed or upon any person occupying the estate, such sale to be conducted in like manner as sale for non-payment of taxes on land of resident owners and with a similar right of redemption. Any person who may deem himself aggrieved by any such assessment may appeal to the Supreme Court in the same manner as is provided for appeals for

damages for laying out streets and ways, which court shall at the first term appoint three persons who may be inhabitants of said city to settle and assess the share to be charged to such appellant; they shall make a return of their doings to said court and their decision, if accepted, shall be final. And in case the assessment made by the Mayor and Aldermen shall not be reduced on such appeal, the city shall recover costs, but otherwise pay costs.

*AMENDMENTS OF 1909.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTH PORTLAND.

*Be it enacted by the People of the State of Maine, as follows:*

SECTION 1. Section four of chapter three hundred and thirty-four of the Private and Special Laws of 1907 is amended by striking out the word "above" in the sixth line thereof, and substituting therefor the word "following," so that said section as amended shall read as follows:

SECTION 4. The expense of said walks complete or of said curbs or of said paving, shall be estimated and assessed within one year, by the Mayor and Aldermen of said city on the several lots chargeable therewith and by them certified to the City Treasurer, in the manner and with all rights to the parties interested, as provided in the following section, and be enforced as therein provided, but said assessment shall at any time be corrected on due notice and certified anew by the Mayor and Aldermen aforesaid and no assessment shall be void by reason of error in the name of the owner or occupant of the lot assessed, provided that the lot assessed is so described that the same may be distinctly known.

SECTION 2. Sections five and six of chapter three hundred and thirty-four of the Private and Special Laws of 1907 are hereby repealed.

SECTION 3. Section seven of chapter three hundred and thirty four of the Private and Special Laws of 1907 is amended by being numbered and known as section five, and said section is further amended by striking out therefrom the words "Such sale to be conducted in like manner as sale for non-payment of taxes on land of resident owners and with a similar right of redemption" and substituting therefor the following "Such sale to be held on the first Monday in June, in the year next succeed-

ing the year in which the assessment is laid, and to be otherwise subject to the provisions of law, relative to the sale of land of resident owners for non-payment of taxes, and with a similar right of redemption," so that said section as amended shall read as follows:

SECTION 5. The City Council, before requiring any such sidewalk or footway to be so constructed shall by a general ordinance assume a portion of said expense to an amount not less than one-half thereof to be paid by the city in money or materials, but no owner or proprietor shall be required to construct as aforesaid more than two hundred feet in length of a sidewalk or footway in any one street in front of any unimproved lots or parcels of land. All assessments on account of the sidewalks and charges on account of the same shall constitute a lien on the real estate so assessed for two years after they are laid. They shall be certified by the Mayor and Aldermen under their hands to the Treasurer and Collector of said city and his successors, with directions to collect the same according to law and may, together with all incidental costs and expenses and interest thereon at six per cent. from the date of demand for payment thereof, be levied by sale of the estate by him or them if the assessment is not paid within three months after a written demand of payment made by him or them either upon the persons assessed or upon any person occupying the estate, such sale to be held on the first Monday of June, in the year next succeeding the year in which the assessment is laid, and to be otherwise subject to the provisions of law, relative to the sale of land of resident owners for non-payment of taxes, and with a similar right of redemption. Any person who may deem himself aggrieved by any such assessment may appeal to the Supreme Court in the same manner as is provided for appeals for damages for laying out streets and ways, which court shall at the first term appoint three persons who may be inhabitants of said city to settle and assess the share to be charged to such appellant; they shall make a return of their doings to said court and their decision, if accepted, shall be final. And in case the assessment made by the Mayor and Aldermen shall not be reduced on such appeal, the city shall recover costs, but otherwise pay costs.

SECTION 4. Chapter three hundred and thirty-four of the Private and Special Laws of 1907 is further amended by adding

thereto a section to be known and numbered as section six, as follows:

SECTION 6. If said assessments are not paid, and the city does not proceed to collect said assessments by sale of the lots or parcels of land upon which such assessments are made or does not collect or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said city in the name of said city, may maintain an action against the party so assessed, for the amount of said assessment as for money paid, laid out and expended in the South Portland Municipal Court, *provided*, the amount sued for be within the jurisdiction of said court, otherwise in any court competent to try the same, and in such action may recover the amount of such assessment, with twelve per cent. interest on the same from the date of said assessment and costs. Such action shall not be abated or defeated by reason of having been commenced within the time in which the lien for such assessment could be enforced by sale of the real estate so assessed.

AN ACT TO AMEND SECTION TWENTY-FOUR OF CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PRIVATE AND SPECIAL LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE.

*Be it enacted by the People of the State of Maine, as follows:*

Section twenty-four of chapter two hundred and forty-two of the Private and Special Laws of eighteen hundred and ninety-five is hereby amended by striking out therefrom the word "now" in the twelfth line thereof, so that said section as amended shall read as follows:

SECTION 24. The members of the School Committee first elected under the provisions of this Charter, at their first meeting shall designate by lot three of their number to hold office for three years, three for two years, and one for one year, and shall allot one member to represent each of said seven wards. Each member elected thereafter to fill the place of one whose term expires, shall hold office three years. They shall fill all vacancies in their number until the next annual election. A majority of the Board shall constitute a quorum for the transaction of business. They shall have all the powers and perform all the duties in regard to the care and management of the public schools of said town which are conferred upon super-

intending school committees by the laws of this State, including the employment of all teachers. They may annually, and whenever there is a vacancy, elect a Superintendent of Schools, who may be a member of the committee, for the current municipal year, who shall have the care and supervision of said public schools under their direction, and act as Secretary of their Board; they shall fix his salary at the time of his election, which shall not be increased nor diminished during the year for which he is elected, and may at any time dismiss him, if they deem it proper or expedient. A suitable and convenient room shall be furnished by the city for the meetings of said committee, wherein shall be kept their records open to the inspection of the citizens. The said committee shall annually before the spring election, furnish to the City Council an estimate in detail of the several sums required during the ensuing year for the support of said public schools, and they shall not increase the expenditures beyond the amount appropriated therefor. The Mayor shall be, *ex-officio*, Chairman of the School Committee, but shall have no vote unless the members present and voting be equally divided.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTH PORTLAND.

Chapter thirty-five of the Private and Special Laws of nineteen hundred and seven is hereby amended by striking out therefrom the word "twenty" in the seventh line of item two thereof, and substituting therefor the word "fifty," so that said item two as amended shall read as follows:

Item 2. Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said city, and of the local Board of Health therein, and concurrent jurisdiction of all such criminal offenses and misdemeanors committed therein as are cognizable by Trial Justices, and concurrent jurisdiction of all civil actions in the County of Cumberland wherein the debt or damages demanded do not exceed fifty dollars, except when the Judge of said court is interested in any such action as party or attorney; and original jurisdiction concurrent with the Superior Court of the County of Cumberland in all civil actions wherein the debt or damages do not exceed fifty dollars, exclusive of costs, in which any party to the action or person summoned as Trustee shall reside.

or, if not an inhabitant of the State, shall be commorant or have a place of business in said city.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTH PORTLAND.

*Be it enacted by the People of the State of Maine, as follows:*

SECTION 1. The City Council of the City of South Portland shall, on the second Monday of March, A. D. 1909, or as soon thereafter as may be, elect a Commissioner of Public Works, who shall be a Civil Engineer, and who shall hold office for three years, and until his successor is qualified, and each succeeding election thereafter shall be for a term of three years. He shall receive such salary as the City Council may determine. In case any vacancy should occur, it may be filled in the same manner for the unexpired term. He may be removed for cause by the City Council.

SECTION 2. The Commissioner of Public Works shall not be interested, either directly or indirectly, in any contract entered into by him in his official capacity or in behalf of the City of South Portland, and contracts made in violation thereof shall be void.

SECTION 3. The said Commissioner shall be vested with all the authority now exercised by and shall perform all duties now incumbent upon the Street Commissioner of said City of South Portland, which office is hereby abolished, and shall have charge of the maintenance and repair according to law of all streets and public ways in said City of South Portland, including sidewalks and bridges, and of all public sewers and drains, and of the construction, maintenance and repair of all culverts and catch basins belonging to the city; shall have charge of the construction of new streets and bridges when laid out and ordered to be constructed by order of the City Council; shall have charge of the construction of new sewers when the same are laid out according to law; shall take general care of all property belonging to the city which pertains to the duties of said Commissioner of Public Works. Said Commissioner shall be authorized to purchase everything necessary and convenient to conduct the business of his department; shall employ all assistants, foremen, and laborers, and make all contracts for the supply of material necessary to carry on the works in charge of the said Commissioner.

SECTION 4. The City Council shall annually appropriate

such sums of money as they may deem necessary and sufficient to carry on the work of said Commissioner. Such appropriation shall be drawn from the city treasury in such manner as the City Council may from time to time by ordinance direct.

SECTION 5. Annually at the organization of the City Council of said city, or as soon thereafter as may be, the Mayor shall appoint two members of the Board of Aldermen, both of whom shall not be of the same political party if more than one party is represented in said Board, who shall, with the Mayor, *ex-officio*, who shall be chairman of said committee, constitute a committee to be called the Committee on Public Works. Said committee shall monthly audit all accounts of said Commissioner and their approval shall be necessary to the payment of any and all bills contracted by the Commissioner of Public Works in the discharge of his duties.

SECTION 6. The Commissioner shall keep full record of all his doings, which record shall at all times be open to the inspection of the City Council, or any member thereof, and shall make report to the said City Council whenever so directed, of the work completed or in process of completion, and said City Council shall have power to inquire into the action of said Commissioner at all times and to require of him a full explanation of his doings.

SECTION 7. The City Council may, from time to time, subject to the provisions of this act, and in accordance with the general laws, delegate to said Commissioner such additional administrative powers and duties as the City Council may by ordinance determine.

SECTION 8. All the provisions of law pertaining to the Street Commissioner of said City of South Portland not inconsistent with the provisions of this act shall apply to the Commissioner of Public Works herein authorized.

SECTION 9. Before assuming the duties of his office the Commissioner shall give bond to the city in the sum of one thousand dollars, with such sureties as the City Council shall approve for the faithful performance of his duties.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed, and all provisions of the Charter and all ordinances of said City of South Portland inconsistent herewith are hereby repealed and declared inoperative and without effect.

# CITY ORDINANCES.

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## I. SEAL.

SECTION 1. The City of South Portland shall have a common seal, which shall be circular in form with the device of the seal of the State of Maine in the center, and the words, "City of South Portland, Incorporated 1898", in a circle about the same; all to be engraved on the face of the seal so that it may be embossed on paper by pressure.

## II. WARD LINES.

### WARD ONE.

Beginning at Fort Wharf at low water mark; thence running through the center of Fort Road to the center of Preble Street; thence through the center of Preble Street to the center of Summit Street; thence through center of Summit Street to a point on Sawyer Street where the center line of Summit Street projected would touch the center of said Sawyer Street; thence southerly through the center of Sawyer Street to the center of Mitchell Road; thence through the center of Mitchell Road to the dividing line between South Portland and Cape Elizabeth; thence easterly by said dividing line to low water mark; thence by low water mark to the point first mentioned.

### WARD TWO.

Beginning at Fort Wharf at low water mark; thence running through the center of Fort Road to center of Preble Street; thence through the center of Preble Street to the center of Summit Street; thence through center of Summit Street to a point where the center line of Summit Street projected would touch the center of Sawyer Street; thence northerly through center of Sawyer Street to the center of Broadway; thence easterly through center of Broadway to center of Stanford Street; thence through center of Stanford Street to Front Street; thence southerly on same line to low water mark; thence by low water line to point first mentioned.



## WARD THREE.

Beginning at low water mark at a point on a line with center of Stanford Street; thence southerly by said line through the center of Stanford Street to center of Broadway; thence westerly through center of Broadway to Pine Street; thence northerly through center of Pine Street to Front Street; thence on same line to low water mark; thence by low water line to point first mentioned.

## WARD FOUR.

Beginning at a point at low water mark on a line with the center of Pine Street; thence southerly by said line through the center of said Pine Street to center of Broadway; thence easterly through said center of Broadway to center of Sawyer Street; thence southerly through center of Sawyer Street to center of Mitchell Road; thence through center of Mitchell Road to the dividing line between South Portland and Cape Elizabeth; thence in a westerly direction by said dividing line between South Portland and Cape Elizabeth to the center of Ocean Street; thence northerly by the center of Ocean Street to the culvert of arm of Mill Creek just northerly from Summer Street; thence through the center of said Mill Creek to low water mark; thence by low water mark to the point first mentioned.

## WARD FIVE.

Beginning at a point at low water mark on a line with the center of Mill Creek; thence running through center of Mill Creek to a culvert or arm of said Mill Creek on Ocean Street just northerly from Summer Street; thence southerly by center of said Ocean Street to the dividing line between South Portland and Cape Elizabeth; thence by said dividing line to center of Stillman Street; thence to center of Highland Avenue; thence to center of Anthoine Street; thence by center of Anthoine Street to Summer Street; thence westerly through center of Summer Street to center of Anthoine Bridge; thence northerly to low water mark; thence by low water line to point first mentioned.

## WARD SIX.

Beginning at low water mark northerly from the center of Anthoine Bridge; thence running southerly to the center of Summer Street; thence easterly through center of Summer

Street to center of Anthoine Street; thence southerly through center of Anthoine Street to center of Highland Avenue; thence through center of Highland Avenue to center of Stillman Street; thence through center of Stillman Street to the dividing line between South Portland and Cape Elizabeth; thence by said dividing line to Highland Avenue at a point where the dividing line between South Portland and Scarboro crosses said Highland Avenue; thence northerly to railroad crossing at Brown and Evans Streets; thence by center of Brown Street to junction of Brown and Church Streets; thence by center of Church Street to center of Ridgeland Avenue; thence by center of Ridgeland Avenue to center of Bodge Street; thence by center of Bodge Street to center of Lincoln Street; thence by center of Lincoln Street to center of Clark Road, so-called; thence to the westerly and northerly end of the Dam to Clark's Ice Pond, so-called; thence to low water mark; thence by low water line to the point first mentioned.

#### WARD SEVEN.

Beginning at low water mark at the westerly and northerly end of the Dam at Clark's Ice Pond, so-called; thence to center junction of Lincoln Street and Clark Road; thence by center of Lincoln Street to center of Bodge Street; thence westerly by center of Bodge Street to center of Ridgeland Avenue; thence by center of Ridgeland Avenue to Church Street; thence by center of Church Street to Brown Street; thence through center of Brown Street to B. & M. R. R. crossing; thence southerly to a point where the dividing line between South Portland and Scarboro crosses Highland Avenue; thence by said dividing line between South Portland and Scarboro, South Portland and Westbrook, South Portland and Portland to low water mark in Fore River; thence by low water line to point first mentioned.

### III. FINANCIAL YEAR.

SECTION 1. The city financial year shall begin on the first day of February and end on the thirty-first day of the following January, including both days.

### IV. REGULAR MEETING OF COUNCIL.

SECTION 1. The regular meeting of the City Council shall

be held on the second Wednesday evening of each month at 7.30 o'clock P. M.

## V. RULES OF THE CITY COUNCIL.

SECTION 1. The presiding officer shall take the chair promptly at the time appointed for the meeting, and, having called the Council to order, a roll-call showing a quorum present, shall proceed at once to business.

SECTION 2. He shall be entitled to speak on questions of order but not on any other question when occupying the chair; shall decide all questions of order subject to an appeal to the Council, declare all votes, preserve order and decorum, and shall appoint all committees unless they are otherwise provided for.

SECTION 3. When stating a question or motion, or when addressing the Council, the presiding officer shall rise but may read sitting.

SECTION 4. When a question is under debate no motion shall be in order except the following:

1. To adjourn.
2. The previous question.
3. To commit.
4. To amend.
5. To postpone indefinitely.
6. To lay on the table.

SECTION 5. A motion to adjourn shall always be in order except when immediately repeated.

SECTION 6. The following questions shall be decided without debate:

1. To adjourn.
2. The previous question.
3. All questions or orders and appeals from the decision of the chair thereon.
4. To lay on the table and take from the table.

SECTION 7. When a vote has been passed any member who voted in the majority may move a reconsideration of said vote at the same, or at the next succeeding regular meeting, but not afterward, but a vote to reconsider shall require a majority of all the members of the Council.

SECTION 8. Every member present shall vote unless specially excused by the Council before the vote is taken.

SECTION 9. A motion to commit shall take precedence of all amendments of the main question.

SECTION 10. The enacting form of an ordinance shall be as follows:

“Be it ordained by the City Council.”

The form of an order shall be as follows:

“In City Council, Ordered,” etc.

The form of a resolve shall be:

“In City Council, Resolved,” etc.

SECTION 11. When a vote is doubted the members for and against the motion shall rise when called upon by the presiding officer, and remain standing until counted.

SECTION 12. No member shall speak more than twice on the same question at any one meeting unless by permission of the Council.

SECTION 13. The Council may resolve itself into committee of the whole on any question and the presiding officer shall appoint a member who shall occupy the chair.

SECTION 14. Special committees of the Council shall report within one month unless further time is granted.

SECTION 15. When a member wishes to speak he shall rise and address the presiding officer and not proceed until recognized by the Chair. He shall confine himself to the question under discussion and avoid intemperate and abusive language.

SECTION 16. The Clerk shall keep a record of all votes, orders, ordinances and other proceedings of the Council in a journal; shall prepare and present to the Mayor all votes, ordinances and documents requiring his signature, unless the Council shall otherwise direct; shall notify or cause to be notified all members of the Council of the time of special meetings as provided by the Charter; and shall perform such other duties, not inconsistent with the Charter, as the Council may from time to time prescribe.

SECTION 17. All by-laws passed of the City Council shall be styled ordinances, and shall receive at least two readings before they are finally passed to be ordained, not more than one of which readings shall be at the same meeting of the City Council; and all amendments, alterations or repeals of

ordinances shall be made in the same manner and subject to the same number of readings as original ordinances.

SECTION 18. None of these rules or orders shall be suspended unless by a two-thirds vote of the members present; and such suspension shall continue only during the meeting at which such vote is taken; and no rule or order shall be altered or repealed unless written notice shall have been given at a preceding meeting, nor unless a majority of all the members of the Council vote to so alter or repeal.

SECTION 19. All questions of order not herein provided for shall be decided by the presiding officer, subject to an appeal to the Council:

#### ORDER OF BUSINESS.

The following shall be the order of business unless when otherwise determined by the Council:

1. Roll-call.
2. Reading of minutes.
3. Unfinished business.
4. Orders of the day.
5. Reports of committees.
6. New business.
7. Adjournment.

## VI. STANDING COMMITTEES.

SECTION 1. At the commencement of each municipal year, the following standing committees shall be appointed by the Mayor, unless otherwise ordered by the Council:

*On Finance and Claims*—To consist of the Mayor and two Aldermen.

*On Public Works*—To consist of the Mayor and two Aldermen, both of whom shall not be of the same political party, if more than one party is represented in the Board.

*On Public Buildings*—To consist of three Aldermen.

*On Engrossed Ordinances and Printing*—To consist of three Aldermen.

*On Laying Out of New Streets*—To consist of the Mayor and two Aldermen.

*On Education and Schools*—To consist of three Aldermen.

*On Street Lights*—To consist of three Aldermen.

All committees shall report on matters referred to them within one month.

#### VII. COMMITTEE ON PUBLIC BUILDINGS.

SECTION 1. The Committee on Public Buildings shall have the care and custody of all buildings belonging to the city, and of the erection, alteration and repair thereof, subject to such rules, orders and regulations as the City Council may from time to time adopt.

#### VIII. COMMITTEE ON STREET LIGHTS.

SECTION 1. It shall be the duty of the Committee on Street Lights to locate all lights for which they are authorized by the Council to contract, and make such rules, orders and regulations respecting said lights and for the preservation of the same as they may consider necessary.

SECTION 2. Lamp posts and posts for protecting them may be located within the limits of any street of the city by the "Committee on Street Lights," subject however to relocation or removal by the Council, and any post so located shall be taken to be legally established.

SECTION 3. When an order is given under the provisions of this ordinance it shall be recorded by the City Clerk in a book provided for that purpose and kept in his office.

#### IX. CITY AUDITOR.

SECTION 1. The Auditor of the City of South Portland shall before entering upon the discharge of his duties qualify by oath or affirmation, and if so ordered by the Council, give bond for the faithful discharge of his duties in such sum as they shall direct.

SECTION 2. He shall perform all the duties now incumbent upon Auditors of towns, and shall receive all bills and accounts presented against said city for payment, examine them in detail and present them to the proper departments or committees for their approval, and at such times as the City Council may determine present them to it for its examination and approval.

SECTION 3. He shall have the custody and control of the current expenditure books of the city, and shall cause to be entered therein all appropriations made by the City Council, and he shall charge against the several appropriations all

expenditures of the city that are properly approved by the department or committee contracting the same; he shall, when the various bills and accounts have been approved by the City Council and the order of the Mayor signed therefor, issue to the City Treasurer a certificate, or order, authorizing the Treasurer to pay the amount of the bill or account, which amount shall be stated both in figures and writing on the certificate, or order, together with the appropriation to which it is charged, and the said certificate, or order, when properly received by the payee, shall be the Treasurer's voucher for the money so disbursed.

SECTION 4. The Auditor shall approve no bills until the City Council has provided by appropriation funds sufficient to meet the same in the account against which the bill is to be charged; *provided, however*, that after the expiration of the financial year, and until the passage of the annual appropriations, he may approve bills under any department or regular appropriation to an amount not exceeding one-fourth of the total of such appropriation for the preceding year. Whenever the appropriation for any department or specific object shall have been exhausted he shall immediately communicate the fact to the City Council that it may be apprised of the same and take such further action as it may deem expedient. In case of any new or additional appropriation being made, or any transfer of money from one department or regular account to another by the City Council or any receipt of moneys, in addition to the amounts appropriated by the City Council, which are regularly credited to any particular account or accounts, the City Clerk and in the last instance the Treasurer, shall immediately certify the fact to the Auditor.

SECTION 5. The Auditor shall annually, before the election or at such time as the Council may order, publish a detailed report of the expenditures of the city for the fiscal year; and at the regular monthly meetings of the City Council, or at such times as the Council may direct, he shall lay before the said Council a statement showing the amounts credited upon his books under each specific account and under each regular department, and the total expenditures charged to the same at the time of making said statement, in order that the City Council may at all times be apprised of the unexpended balance under each specific account or department.

It shall also be the duty of the Auditor to render any other services from time to time as the City Council may direct.

#### X. CITY SOLICITOR.

SECTION 1. It shall be the duty of the City Solicitor to draft all bonds, contracts, or other legal instruments, which may be required of him by any ordinance, or by order of the City Council for said city and which by law, custom or agreement are to be drawn at the expense of the city; also to prosecute, or defend, as the case may be, all suits in which the city may be a party or interested, and to do all and every professional act incident to the office, or which may be required of him by the city government, or by any order or ordinance of the City Council. And the said Solicitor shall also, whenever required, furnish the Mayor or the City Council or any of its committees with his opinion in writing on any legal subject which may be submitted to him, and shall render professional advice to the Overseers of the Poor, or any officers of the city government who may require his opinion on any subject touching the duties of their respective offices. Said Solicitor shall annually, before the close of the municipal year, make a report in writing to the City Council of the unfinished business in his department, including the name, grounds and stages of progress of all suits pending in which the city is a party, or interested, with the names and results of such suits affecting the city as may have been decided or adjusted during the year, and such other information as to the business of his department as he may think important or the City Council may direct.

#### XI. CITY PHYSICIAN.

SECTION 1. The City Council shall annually on the second Monday of March, or as soon thereafter as may be, elect a City Physician, who shall hold office for one year.

SECTION 2. It shall be the duty of the City Physician to attend, under the general direction of the Overseers of the Poor, all patients in care of said Overseers, whether at the almshouse or elsewhere in the city limits, *provided* that in case of service rendered paupers whose settlement is not in this city, the City Physician shall be entitled to collect regular fees from the place of said pauper's settlement. In case of an alarm of



any contagious or infectious disease, he shall give to the City Council or any committee thereof, such professional advice and counsel as they may require of him, and if there be persons afflicted with small pox, he shall care for such patients and receive therefor without regard to number, the sum of ten dollars per day for one visit to the house of isolation, if the same be necessary, and the sum of five dollars for each necessary additional visit, *provided* that the total remuneration for a single day of twenty-four hours shall not exceed in any case twenty-five dollars. All scholars of the public schools sent to him by the school committee for that purpose shall be vaccinated at a charge of fifty cents each. He shall be reimbursed by the city for all medicine furnished by him to pauper patients.

SECTION 3. Before entering upon the discharge of his duties, he shall signify in writing his acceptance of the office, and thereupon he shall be held to perform the duties of the office, as stated in this ordinance during the term for which he was elected, unless he be removed for cause or his resignation be accepted by the City Council.

## XII. CITY ELECTRICIAN AND ELECTRICAL APPLIANCES.

SECTION 1. The City Council shall annually on the second Monday of March, or as soon thereafter as may be, elect one person skilled in the science of electricity to be styled "City Electrician" who shall hold office until a successor is duly elected and qualified. He shall be removable at the pleasure of the City Council and shall receive such compensation for his services as the Council may determine. If deemed advisable by the Council the same person may be elected to the office of Inspector of Buildings and City Electrician.

SECTION 2. It shall be the duty of the City Electrician thoroughly to inform himself in regard to the location of all telegraph, telephone or other electrical lines within the city, and so far as it may affect life and property the situation and condition of all electrical appliances whatsoever, promptly reporting to the Mayor everything he considers hazardous, as also any violation of statute laws or city ordinances.

SECTION 3. The City Electrician shall supervise every wire or cable over or under streets or buildings; he shall notify

the person or corporation owning or operating any such wire or cable whenever its attachments, insulation, supports or appliances are unsuitable or unsafe, and shall cause to be removed at the expense of the owner thereof every wire abandoned for future use; he shall see that all statutes, ordinances and regulations relating to his duties and to the location, erection, maintenance, insulation and removal of wires or cables over or under streets or buildings are strictly complied with and enforced.

SECTION 4. The City Electrician shall, when so required by the Mayor or Aldermen, examine every application for the erection of any wire or poles or posts for the support thereof in and over any street or public place or for conduits under any street or public place for such wire and shall report to them any facts which in his opinion bear upon the question of granting or refusing to grant such application.

SECTION 5. The City Electrician shall have authority whenever in his opinion the public safety requires to direct any person or corporation using or operating any electric wire to shut off the electric current therefrom for such period of time as he may deem necessary.

SECTION 6. Every person or corporation owning or operating a line of wire over streets or buildings in the city shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports and properly insulate them at all points of attachment; shall remove all wires abandoned for future use; shall suitably insulate every wire where it enters a building and if such wire is other than a wire designed to carry an electric light or power current shall attach to it at suitable and convenient points in the circuit, in order to prevent danger from fire and near the place of entering the building an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from fire entering the building by means of such wire.

SECTION 7. The City Electrician shall have access at all reasonable times to all wires, appliances and apparatus in the interior of the public buildings or on private premises which are intended for carrying an electric light or power current, and no person shall arrange, fix or change any such wires or apparatus without giving the City Electrician reasonable

opportunity to inspect such wires and their arrangements and fixtures before the same are covered or inclosed, and no such wires shall be placed in any building in process of construction until all gas, steam, sewer, water and furnace pipes have been placed in proper position. Such wires in the interior of buildings, or on private premises, shall not be connected with any outside circuit which crosses or runs along, over or under any street or way of the city without written permission therefor having been first obtained from the City Electrician.

Before issuing such permit the City Electrician shall be paid therefor the sum of fifty cents, and in addition thereto he shall be entitled to receive a reasonable amount, not to exceed fifty cents per hour for the time spent in making the necessary inspection in the premises, all of which shall be paid by the party desiring such permit.

SECTION 8. Every person or corporation owning, leasing or operating wires as above described shall, within forty-eight hours, after notice served by the City Electrician, make such substitution or repairs of posts, supports, cross-arms or stays, for the safe carrying of such wires as may be required by the City Electrician.

SECTION 9. No person or corporation shall permit pieces of wire to be left on the surface of any street or sidewalk, or permit unused coils or loose ends of wire to remain attached to any cross-arm or post more than twenty-four hours.

SECTION 10. Upon the request of the City Electrician persons or corporations operating electric or other wires upon, over or under any street or building shall within fifteen days thereafter furnish accurate lists of the location of their poles, the number of cross-arms thereto affixed and the number of wires thereto attached, the location of sub-ways and man-holes, and other information in relation to their appliances, together with the locations where service is rendered, viz.: telegraphic, telephones, electric lighting, specifying either arc or incandescent or for electric power.

SECTION 11. The City Electrician upon application therefor to any person or corporation operating electric or other wires within the city shall be furnished with such information as to the kind, size and tested strength of supporting service wires, the average volts charged and used, together with such information as may by him be considered necessary to the

faithful and effectual discharge of his duties under the law and the ordinances of the city.

SECTION 12. All poles carrying wires shall be designated by stencil with names of companies or persons owning or using the same. Whenever an electric light current is carried into a building by conductors from an exterior source a suitable shut-off or "cut-out" must be provided at a point as near as possible to the entrance of such building.

SECTION 13. All wires placed above the surface of the ground shall be suspended from poles, buildings or other supports to be maintained by the persons or corporations using such wires.

SECTION 14. No wire shall be suspended from or attached to any building for the purpose of conducting electricity unless by special permission of the owner of such building.

SECTION 15. All persons and corporations exercising any privileges under this ordinance shall adopt and use in their business any devices and safeguards which may from time to time be discovered or invented for the protection of persons and property against injury growing out of the use of electric current if required so to do by the City Council. Whenever the laying of electric wires beneath the ground shall be deemed by the City Council practicable all persons and corporations maintaining or using wires above ground shall when so required by the City Council take down and remove at their own expense all their poles used for the support of such wires and place their mains and conducting wires beneath the ground, and all authority to erect and maintain poles for the purposes aforesaid shall then cease.

SECTION 16. The erection by any person or corporation of any wire, pole or other fixture for electrical purposes in the City of South Portland after the passage of this ordinance shall be held to be an agreement on the part of such person or corporation to comply with all the requirements, rules and conditions contained in this ordinance.

SECTION 17. Every person or corporation erecting or maintaining or using such poles or wires shall, in the case of loss or damage, indemnify and save harmless the City of South Portland, its officers, agents and servants from and against all lawful claims and demands for injuries to person or property occasioned by the existence of such poles or wires or the trans-

mission of electric current by the means thereof, and the said city, its agents and servants exercising the rights and powers given herein, shall not be held liable by such person or corporation on account thereof by reason of any injury or damage caused thereby.

SECTION 18. All poles erected and wires strung in the city shall be subject to the following conditions: That no permanent rights shall be obtained in the streets or public grounds by reason of such use, and that such wires or poles shall be subject to change of location or removal when deemed necessary for the public interests on order of the City Council, and in case of fire such wires may be cut or removed if necessary by order of the City Electrician or Fire-Chief without claims upon the city therefor.

SECTION 19. All persons violating any provision of this ordinance shall be subject to a penalty of not exceeding twenty dollars for each offence by complaint to the use of the city.

### XIII. FIRE-CHIEF.

SECTION 1. The City Council shall annually on the second Monday of March, or as soon thereafter as may be, elect a Fire-Chief, who shall not be a member of the Council, nor of any volunteer fire company in the city, and who shall hold office for one year, subject to removal for cause.

SECTION 2. It shall be the duty of the Fire-Chief to answer all fire-alarms personally and to take full charge and direction of the work of fighting the fire, and the officers and members of all volunteer fire companies, as well as all individuals who may respond to alarms shall be entirely subject to his orders and directions.

SECTION 3. He may make such rules and regulations, subject to the approval of the City Council, as in his judgment are necessary and proper governing the manner in which fire companies and individuals shall respond to alarms and in any way pertaining to the work of fighting fires.

### XIV. INSPECTOR OF MILK.

SECTION 1. The City Council shall annually on the second Monday of March, or as soon thereafter as may be, elect an Inspector of Milk, who shall be sworn, give notice of his appointment, keep an office and books, and have all the powers

and perform all the duties set forth and prescribed in the statutes of the state relating to the sale of milk and the inspection thereof.

SECTION 2. It shall be the duty of every person, firm or corporation now or hereafter engaged in the business of selling milk within the limits of the city, to file annually during or previous to July with the Inspector a statement of his name, residence and place of business, or if he sells milk from a cart, of such fact, to the end that such statement may be recorded in a book kept for that purpose, and in default of so doing such person, firm or corporation shall forfeit the sum of twenty dollars to the use of the city to be recovered on complaint.

SECTION 3. It shall be the duty of the Inspector to receive and record all such statements and to grant a certificate of such filing upon the request of the person, firm or corporation filing the same. The Inspector, when thereto requested in writing by any citizen of South Portland, shall make an inspection within the limits of the city of any milk sold or offered or intended for sale within the same, and also upon his own motion, without previous notice, as often as once a year, and oftener at his discretion, shall visit all places of business and carts in and from which milk is sold in the city, and make thorough inspection of the kind and quality of milk found in such places of business and carts offered or intended for sale. It shall also be the duty of the Inspector to prosecute all violations of law or of the ordinances of the city relating to the sale of milk. At the close of each municipal year the Inspector shall make a detailed report to the Board of Mayor and Aldermen.

SECTION 4. The compensation of the Inspector shall be as follows: Twenty-five cents for recording a statement and granting a certificate therefor, to be paid by the person requesting the same. Fifty cents for making an inspection of milk, to be paid by the person requesting the same to be made. And the Inspector shall be entitled to one-half of all forfeitures accruing to the city in all prosecutions instituted by him for violation of the law or of the ordinances of the city relating to the sale of milk.

## XV. WEIGHERS AND GAUGERS.

SECTION 1. The City Council shall annually on the second

Monday of March, or as soon thereafter as may be, elect one or more city weighers and gaugers, who shall be sworn to the faithful performance of the duties of their office, and who shall continue in office until removed or until a successor is elected and qualified.

SECTION 2. It shall be the duty of the said weighers and gaugers, when thereto requested by the owner, to weigh or gauge, as the case may be, the contents or capacity of any pipe, hogshead, tierce, barrel, cask, box and other vessel or article, and mark the contents and tare and outs, as the case may be, and the initials of his name and office on each such vessel or article he shall so weigh or gauge.

#### XVI. WEIGHERS OF HAY, STONE, ETC.

SECTION 1. The City Council shall annually on the second Monday of March, or as soon thereafter as may be, elect one or more weighers of hay, straw, stone and coal, and two or more measurers of wood, bark and charcoal; who shall be sworn to the faithful performance of the duties of their office and shall hold their office during the municipal year and until others are appointed in their stead, unless sooner removed by a vote of the City Council.

SECTION 2. In case of a vacancy in said office by resignation, removal or otherwise, the City Council shall proceed to fill the same by a new election for the residue of the year.

#### XVII. SALARIES.

The salaries of the various officials in the employ of the City of South Portland are hereby established as follows:

City Clerk .....	\$ 800.00	per annum
Treasurer and Collector .....	1,200.00	" "
City Physician .....	100.00	" "
City Solicitor .....	250.00	" "
City Auditor .....	250.00	" "
Inspector of Buildings .....	50.00	" "
City Electrician .....	25.00	and fees,
Chairman Board of Assessors .....	375.00	per annum
Each other member of " .....	350.00	" "
Chairman Board of Overseers of Poor,	100.00	" "
Each other member of " " "	50.00	" "
Members of Board of Health.....	25.00	" "

All fees collected by the Treasurer and Collector and City Clerk shall be paid into the treasury for the use of the city,

each of which officers shall keep a record of all fees in a separate book, kept for that purpose. This ordinance shall not be construed to deny the right of any city official or employee not named herein, to such salary or compensation as he is now lawfully entitled to receive.

All clerk hire of the City Clerk and City Treasurer and Assessors to be paid for by said Clerk, Treasurer and Assessors.

## XVIII. BUILDINGS.

SECTION 1. All persons intending to erect or to make any alteration in the external walls of any building or buildings of any description, any part of which is to be placed upon or within ten feet of any of the public streets, squares, lanes or alleys of the city, shall before they proceed to erect the same or to lay the foundation thereof or to make such alteration give notice in writing of their intention with the precise location and the name of the owner or owners of the land, to the Mayor and Aldermen of the city, fifteen days at least before doing any act or carrying their intention into execution, in order that any encroachment or any other injury or inconvenience to said streets, squares, lanes or alleys, which might otherwise happen may be thereby prevented; and in default thereof, the city shall be discharged from all damages, of any nature whatsoever resulting from the failure to give notice as aforesaid, particularly from all such damages as have been enhanced or occasioned by reason of anything done previous to or without such notice, and if any person shall neglect to give such notice he shall forfeit and pay a penalty of not less than ten nor more than twenty dollars and a like penalty for every day that he shall so neglect to give notice after he shall commence building or erecting the same or laying the foundation thereof or the making of such alteration, to be recovered by complaint.

SECTION 2. It shall be the duty of the Mayor and Aldermen immediately to inform the Commissioner of Public Works of all such notices and he shall proceed forthwith to mark out and define the lines, bounds and grade of any public streets, squares, lanes or alleys adjoining the estate of the person giving notice as aforesaid, *provided*, that in case any uncertainty exists as to the location of said line arising from the absence of original established or accepted bounds or any other



cause whatsoever the Commissioner of Public Works shall report such fact to the City Council in order that such action as may be necessary to the best interests of the city may be taken.

SECTION 3. No building or buildings exceeding ten feet in height, shall be hereafter erected within the city limits without a permit in writing which shall be issued by the City Clerk only on recommendation of the Inspector of Buildings or of the Board of Mayor and Aldermen.

SECTION 4. Any such building erected in violation of this ordinance shall be and hereby is declared to be a nuisance and may be removed as such.

SECTION 5. No person shall obstruct any street or any part thereof by placing therein any house, barn, stable, shop or other building, and no person shall remove or draw through or upon any street any house, barn, stable or other building without first obtaining permission therefor from the Mayor and Aldermen, and if they require it, filing a bond with sufficient sureties approved by the Mayor, with the Treasurer of the city conditioned to indemnify the city for all damages sustained by drawing or removing such building; and if any building shall remain in any street or place beyond the time allowed by such permit the Mayor and Aldermen may cause such building to be taken down or removed from the street at the expense of the owner thereof.

SECTION 6. Any person violating any of the provisions of the preceding section shall forfeit and pay for each offence a penalty of not less than twenty dollars and shall further be liable to indemnify the city for all damages which it may suffer in consequence of such violation.

#### XIX. ESTABLISHMENT OF TREES, LAMPS, POSTS, POLES, HYDRANTS, ETC.

SECTION 1. All trees, lamp posts, poles, posts and hydrants now placed and being within the limits of the streets of the city are hereby declared to be and shall be taken to be legally established and located, subject, however, to relocation or removal by order of the City Council.

SECTION 2. Any tree, lamp post, pole, post or hydrant, or any post for the protection of the same, shall be taken to be legally established within the limits of any street of the city

when it has been located therein by order or with approval of the Mayor or Committee on Streets, Sidewalks and Bridges, or Street Commissioner, subject, however, to relocation by order of the City Council.

SECTION 3. When an order is given under the provisions of this ordinance, it shall be recorded by the City Clerk in a book provided for that purpose and kept in his office.

## XX. DRAINS AND SEWERS.

SECTION 1. Chapter 285 of the Public Laws of the State of Maine, approved March 9, 1889, entitled, "An Act Relating to Construction of Drains and Common Sewers," is hereby accepted, and all public drains and common sewers hereafter constructed in the City of South Portland, shall be built and the assessments therefor shall be made under the provisions of said act.

SECTION 2. The amount paid to the city on account of sewer assessments shall, in the case of sewers constructed from funds raised by the issuance of bonds or notes of the city, be credited to the Sinking Fund and devoted to the reduction of the city debt, and the amount received from sewer assessments in case of sewers built from the regular appropriation for sewers shall be credited to that account, and be added thereto and may be expended as in the case of the original appropriation.

SECTION 3. No person shall dig up any street, highway or town way, for the purpose of laying down any drain or sewer or connecting his private drain with any public drain or common sewer without first having obtained permission of the Mayor and Aldermen therefor, as provided in Sections 4 and 5 of this ordinance, under a penalty of twenty dollars.

SECTION 4. The permission of the Mayor and Aldermen shall be evidenced by a written license, signed by the City Clerk, which shall describe the sewer to be entered and the boundaries of the lot or parcel of land permitted to be drained therein. No such license shall be granted by the City Clerk until satisfactory evidence has been furnished that the sewer assessment on the particular lot therein referred to has been paid, and said license shall have attached thereto or printed thereon a copy of this ordinance and shall be granted only upon payment to the City Clerk of a license fee of fifty cents, and

each permit shall be recorded by the City Clerk before it is issued.

SECTION 5. All applications for sewer permits shall be in writing and describe the boundaries of the lot to be drained and the sewer to be entered. They shall be signed by the owner of the property applying therefor, who shall agree therein to observe all the provisions of this ordinance, and the regulations of the sewer committee in making the excavations and connections with the sewer.

SECTION 6. All private and side drains shall enter the main sewer at the inlets of Y's provided therefor at the time of the construction of the main sewer, and any person who shall enter a public drain or sewer in any other manner, without a special permit therefor, shall forfeit and pay a penalty of twenty dollars.

SECTION 7. Excavations and connections for the purpose of connecting private drains with the public sewers of the city shall be made only under the direction and supervision of the Commissioner of Public Works, and no excavation shall be refilled until the connection made by the side or private drain with the public sewer has been inspected and approved by the Commissioner of Public Works in writing. The party asking for such license shall pay the City Treasurer all expense incurred by the city in the performance of said work, and the amount paid shall be credited to the appropriation for sewers, and may be expended as in the case of the original appropriation. Any person violating the provisions of this section shall forfeit and pay a penalty not exceeding twenty dollars.

SECTION 8. Permission shall not be given for any private drain or sewer to connect with any public sewer, unless the same shall have been constructed subject to the inspection and approval of the Commissioner of Public Works, nor until the person asking for such permission shall present a certificate from the Commissioner of Public Works, stating that such private drain or sewer has been properly constructed and that it is expedient for the desired permission to be granted.

SECTION 9. No new street within which a private drain or sewer is laid shall be accepted until arrangements have been made, by which all interest in such drain or sewer shall be assigned to the city.

SECTION 10. It shall be the duty of the Commissioner of

Public Works promptly to report all violations of this ordinance, that the penalties provided herein may be properly enforced.

## XXI. COLLECTION OF HOUSE OFFAL.

SECTION 1. All house offal, whether consisting of animal or vegetable substance, shall be deposited in convenient vessels and be kept in some convenient place, to be taken away by such person or persons as shall be appointed by the Mayor and Aldermen for that purpose.

SECTION 2. A suitable person or persons shall be appointed and licensed annually who shall provide a proper vehicle for the purpose, which shall pass through the streets in the thickly settled portions of the city as it may be necessary, to receive and carry off the house offal accumulated in the vessels aforesaid.

All persons shall promptly deliver the offal so accumulated on their premises to the person appointed as aforesaid to receive the same.

SECTION 4. No person shall go about collecting house offal consisting of animal or vegetable substances, or carry the same through any of the streets, lanes or courts, of the city, except the person appointed as aforesaid, or his deputy, under a penalty of not more than twenty dollars for each and every offence.

## XXII. REGISTRATION OF PLUMBERS & PLUMBING.

### GENERAL REGULATIONS.

These regulations shall be held to include and govern all work done and materials used (1) in introducing, maintaining and extending a supply of water through a pipe or pipes in any building, lot, premises or establishment; (2) in connecting or repairing any system of drainage whereby foul, waste or surplus water, gas, vapor or other fluid is discharged or proposed to be discharged through a pipe or pipes from any building, lot, premises or establishment into any public or house sewer, drain, cesspool, pit, box, filter-bed or other receptacle, or into any natural or artificial water-course, flowing through public or private property; (3) in ventilating any house sewer, or any fixture or appurtenance connected therewith; (4) in excavating in any public street, avenue, highway, road, court,

alley or space, for the purpose of connecting any building, lot, premises or establishment with any service pipe, house sewer, public water main, public sewer, subway, conduit, or other underground structure.

SECTION 1. No person shall engage in, or continue in, the business of plumbing or constructing system of house drainage, either as master plumber or as journeyman, until he has received a license to carry on such business under existing ordinances and registered his name with the Board of Health. The fees for license shall be \$1.00 for master plumbers and 25 cents for journeymen for a period of one year dating from May 1 of each ensuing year.

SECTION 2. Every master or journeyman plumber engaged in business or doing work in the City of South Portland, shall appear in person at the office of the Board of Health, at such times as the Board shall appoint, and register his name and place of business.

SECTION 3. Journeymen and master plumbers are responsible for work done by those working under them, as apprentices, laborers, or helpers, and any licensed plumber who shall neglect or refuse to comply with these regulations or with the conditions of his permit, shall have his license suspended or revoked, and shall be thereby debarred from obtaining permits or doing plumbing work for such length of time as the Board of Health may deem just and proper, and shall also be liable to prosecution.

SECTION 4. Each journeyman plumber and master plumber who does the work of a journeyman plumber, will be required to show to the Board by an examination that he possesses the knowledge, ability and capacity requisite to do the work of his trade in a thorough and workmanlike manner.

SECTION 5. Any violation of the provisions of the foregoing section, or of the provisions of the rules and regulations prescribed by the Board of Health with reference to the registration of plumbers or methods of doing work, shall be deemed a misdemeanor and punished by a fine not exceeding twenty dollars.

SECTION 6. It shall be the duty of every plumber to give to the Secretary of the Board immediate notice of any change of residence or place of business, for the correction of the register.

SECTION 7. No permit shall be issued to any licensed plumber during the time that he shall fail to remedy any defective work, after the sending of a written notice that he has been held responsible therefor under these regulations.

SECTION 8. It shall be the duty of every person constructing or owning any drain, soil-pipe, passage or connection between a sewer and any ground, building, erection, or place of business, and in like manner the duty of the owners of all grounds, buildings, erections, and of all parties interested therein or thereat, to cause and require that such drain, soil-pipe, passage or connection, shall be adequate for its purpose, and shall at all times allow to pass freely all material that enters or should enter the same, and no change of drainage, sewerage or the sewer connection of any house shall be permitted unless notice thereof shall have been given the Board of Health, and assent thereto obtained in writing.

SECTION 9. Annually in the month of April, the Board of Health shall appoint an Inspector of Plumbing, who shall hold office for the term of one year from the first day of May, unless sooner removed from office by the said Board of Health, who shall have full power to remove said Inspector for cause or when they deem it for the best interest of the city so to do.

Said Inspector shall inspect all plumbing installed, and if found in accordance with these rules and regulations, issue a certificate of inspection.

Architects, owners and others are advised to request such certificate before accepting the work.

Under no circumstances shall any plumbing be installed without a permit from the Board of Health.

SECTION 10. It shall not be lawful for any person or persons to connect or cause to be connected any building, lot, premises or establishment with any water main, public sewer, or with any sewer pipe for water, or any house sewer, or with any subway, conduit or other underground structure, without permission therefor from the Mayor and Aldermen and a permit in accordance therewith from the City Clerk, before commencing any part of the work.

The provisions of this paragraph shall apply to all water mains, sewers, and water service pipe, plumbing and system of drainage or piping, whether on private property or in any public street, and to each separate building, whether situated

on the same or different lots and connected, or proposed to be connected, directly or indirectly, with any water main, water service pipe, public or house sewer, subway, conduit or other underground structure. The conditions of this permit must be strictly complied with and the work must be done by the plumber in whose name the permit is given.

No fee, however, will be required for a permit to make connection with any public sewer, house sewer, water main, or service pipe when all the work, including the place of connection, lies wholly within the limits of private property, nor for the adjustment to grade of a downspout connection and clean-out, the adjustment to grade of a fresh-air inlet and clean-out, and the adjustment to grade of a standpipe, used for supplying water for building purposes; but in every case a permit must be taken out as required and kept upon the work.

Every application for a permit for work to be done under this rule shall be signed by the owner of the premises, whose address shall be written under his signature, and by the registered plumber or other person who is to do the work. Signature by agent shall not be accepted if the owner resides in the city. Any licensed plumber presenting a fraudulently signed application shall have his license revoked.

All houses and other buildings on premises abutting on a street in which there is a public sewer, shall be connected with the sewer by the owner or agent of the premises, in the most direct manner possible, and, if feasible, with a separate connection for each house or building.

SECTION 11. No person, firm or corporation, carrying on the business of plumbing and house drainage, shall allow his or their name to be used by any person, directly or indirectly, whether to obtain a permit or permits or to do any work under his or their license.

SECTION 12. Every application to connect a building, lot, premises or establishment with water main, water service pipe, or private or public sewer, conduit or subway or other underground structure, or to repair a house sewer or service pipe for water or gas, must state the exact location and number of the building or premises, and the number of the lot and square.

SECTION 13. All materials used must be of good quality and free from defects. All work must be executed in a thorough and workmanlike manner, and no work shall be

covered or in any way concealed, until it has been inspected and tested by said Board of Health and a certificate of approval issued to the person doing the work.

For the purpose of this inspection and testing, due notice shall be given the Board, in writing, when the work is sufficiently far advanced for its proper performance. If any work is found unsatisfactory it shall be, within a reasonable time, to be fixed by the Board in each case, either made satisfactory or removed by the person doing the work or having it in charge; which, if he fails to do, the Board will have the work done at his expense or that of the owner or agent, and the name of the plumber doing or responsible for the work shall be stricken from the list of registered plumbers.

SECTION 14. The drain from the sewer to the house-drain junction, must be of hard salt, glazed, cylindrical earthen ware, cement or iron pipe, free from defects and not less than six inches in diameter. It must be laid upon a smooth bottom and in a perfect line, both laterally and vertically, with a fall of at least one-quarter of an inch to the foot, and more when practicable. All joints in earthen or cement pipes must be uniformly and completely filled with best hydraulic cement, none of which must be forced into the pipe, to obstruct its calibre and in iron pipe either calked with lead or have screw joints.

SECTION 15. The house-drain from a point at least five feet outside the cellar wall and for such distance as same may be covered with earth or concrete, shall be of extra heavy cast iron pipe, at least four inches in diameter and of uniform thickness, free from holes and cracks and with tight calked leaded joints (unless wrought iron pipe with screw joints is used); this pipe shall not be subjected to pressure when passing through the wall and shall extend by the most direct course to receive the fittings, to at least two feet above the roof of the building, undiminished in size, and its top shall not be obstructed by any hood or cowl, but may have a wire basket on its top; if in an addition or ell, its height must have a safe relation to the roof of the main house.

Above the basement floor, standard pipe may be used. All horizontal portions shall have a fall of at least one-quarter inch to the foot, and more if practicable; shall be firmly ironed or secured to the cellar walls, suspended from, or laid on floor



timbers unless this is impracticable in which case they may be laid in a brick or cemented trench in the cellar bottom. There shall be a main running trap with an accessible clean-out, with gas tight plug or cover and a water seal of sufficient depth, either just outside or just inside the cellar wall, and also an inlet for fresh air, to enter the drain just inside the main trap, said inlet to be at least three inches in diameter and to open on the outside of the building, not less than eight feet from the nearest window or cold air draft for the furnace. The main drain shall also have an opening for cleaning purposes, closed with a brass screw plug or a Barrett clean-out.

All fittings used in connection with this drain or soil pipe, must correspond with it in weight and quality.

SECTION 16. Every sink, basin, bath-tub, slop-hopper, and each set of trays, and every fixture having a waste pipe, shall be furnished with a trap placed as near fixture as practicable, and no trap shall be placed at the bottom of a vertical line of waste pipe; all traps, requiring it, shall be protected from air pressure or siphonage by a special air pipe of not less than one and one-quarter inch diameter, extending through the roof to a height of at least two feet, or into soil pipe above the highest fixture; or some other appliance approved by the Board. Vent pipes for water closet traps must be of not less than two inch bore for thirty feet or less, and of three inch bore for more than thirty feet. No trap vent pipe shall be used as a soil or waste pipe. All vent pipes must have a continuous pitch, to prevent collecting water by condensation. Drip or overflow pipes from safes under fixtures, or from tanks shall be run into some open place where they can be seen, and in no case connected with a soil or waste pipe.

SECTION 17. No ventilator for sewer, soil or waste pipe, trap or drain shall be constructed of brick, sheet metal or earthen ware, nor shall any chimney flue be used for such ventilator. Rain water leaders, when connected with soil or drain pipes, shall be of iron through the outside wall, connected with deep sealed trap, with clean-out on house side. All surface drainage shall be connected with deep sealed traps. All sub-soil drains shall have a trap outside the cellar wall and connect with drain or sewer at least five feet outside of said wall.

SECTION 18. Every water closet must be supplied with

water from a tank or cistern, and the flushing pipe shall not be of less than one and one-quarter inches inside diameter. No pan closet will be allowed, nor shall any closet be flushed direct from Sebago pipes. Water closets in the cellar of tenement or lodging houses will only be allowed by special permission of the Board of Health.

SECTION 19. The following weights of iron pipe, per lineal foot, will be considered as 'extra heavy' to wit:

Two inch .....	5½ pounds
Three inch .....	9½ pounds
Four inch .....	13 pounds
Five inch .....	17 pounds
Six inch .....	20 pounds

All joints in cast iron drain, soil, waste and vent pipes shall be run with hot lead resting upon a gasket of oakum and calked gas tight. The amount of lead required is about twelve ounces to each inch of diameter of pipe.

SECTION 20. The test mentioned in Section 9 shall be applied by the plumber closing all openings in soil, drain, waste, and vent pipes, and filling the system with water to its top, in the presence of the Board or its duly accredited Inspector, and after all connections are made and the water admitted to fill the traps, either the "Peppermint", "Ether" or "Smoke" tests shall be applied by the Board or its Inspector. If any leaky pipe is found it must be replaced by new, and any leaky joints must be made tight.

SECTION 21. All connections of lead with iron pipes must be made with a brass sleeve or ferrule of the same size as the lead pipe, and securely fastened to it by a wiped or over-cast joint, and to the iron by a lead-calked joint. All connections of lead waste pipes, and vent pipes shall be made by means of wiped joints.

SECTION 22. The waste pipe from refrigerators shall in no case be directly connected with any soil pipe or waste pipe, drain or sewer, nor shall rain water leaders be used as soil, waste or vent pipes. No steam exhaust, blow off or drip pipe from a steam boiler shall connect with any drain, soil or waste pipe without the intervention of a condensation tank.

SECTION 23. No waste pipe from bowl or bath tub shall be connected with water closet trap, nor shall any bath tub pipe be connected with a waste pipe from a wash-bowl or sink.

SECTION 24. Whenever a house sewer or drain is ob-

structed with tree roots or is found broken or defective, so that sewerage or drainage escapes therefrom into the surrounding soil or into adjacent premises, the Inspector of Plumbing shall condemn such sewer and order its repair or replacement.

If the defective sewer be of terra cotta, he may direct its replacement, with cast iron within four feet outside of building.

Whenever a pipe, joint, plumbing fixture or appurtenance of a system of plumbing is broken, defective or inoperative, its repair or replacement may be ordered by the Inspector of Plumbing with the approval of the Board of Health.

Any order or notice issued under the provisions of this section shall be promptly complied with by the person responsible.

House sewers and house drains must, where possible, be given an even grade to the main sewer of not less than one-quarter of an inch per foot.

SECTION 25. If the public sewer be a pipe sewer having a diameter of twelve (12) inches or more, the plumber, under direction of the Commissioner, or any authorized employee of the city, shall cut a hole of the least practicable size in the public sewer, and the connection shall be made by means of a connecting thimble of the same size and material as the house sewer; of such length that the hub shoulder thereof shall rest against the outer surface of the sewer and no portion extend within it.

SECTION 26. No water-closet except those placed in yards shall be allowed without a flushing tank, flushometer, volumeter, or similar device, which shall be supplied directly from the supply pipes.

All water-closets must have flushing rim-bowls.

SECTION 27. In no case will the water-closet system of tenement or lodging houses be permitted in cellars, basements or under sidewalks.

SECTION 28. Pan, plunger, or hopper closets will not be permitted in any building. No range closet, either wet or dry, nor any evaporating system of closets, shall be constructed or allowed inside of any building.

A separate building, constructed especially for the purpose must be provided in which such range closets shall be set.

SEC. 29. All extensions of existing plumbing shall be made in conformity to these regulations. All repairs and

alterations of existing plumbing shall conform as nearly as practicable to these regulations.

SECTION 30. No waste pipe from a refrigerator or other receptacle in which provisions are stored shall be connected with any drain, soil, or other waste pipe. Such waste pipes shall be so arranged as to admit of frequent flushing, and shall be as short as possible in direction to trap or open fixtures.

SECTION 31. Safe waste pipes shall not be connected directly to any part of the plumbing system, or so maintained.

SECTION 32. No person shall locate, or cause to be located, any water-closet in any sleeping-room, or in any room, apartment, or vault which is not in direct communication with the external air or vertical air shaft by means of a window or air space having an area of at least four (4) square feet for the admission of light and fresh air.

SECTION 33. Means shall be provided for thoroughly flushing all soil-pipes, drain pipes, water-closets and urinals. A copper-lined flushing tank of adequate size, provided with a flush pipe not less than one and one-quarter ( $1\frac{1}{4}$ ) inches in diameter shall be supplied for every water-closet and such tank shall not be used for any other purpose.

Pan, valve, plunger or offset water-closet shall not be installed, nor shall such water-closet now in use be maintained if complaint thereof is made by any occupant of the building in which the closet is located.

When a bowl, or trap, of either type of closet above mentioned, or of a straight or oval hopper closet, within a building is defective such portion may not be replaced, but an approved closet shall be substituted for the old fixture.

A straight or oval hopper closet shall not be installed within a building except upon the approval of the Inspector of Plumbing, in locations where the exposure to frost will not justify the use of a trap above the floor.

A straight hopper closet may be condemned by the Inspector of Plumbing upon complaint if located in a building which has been constructed twelve years or more, and shall then be replaced by a short hopper closet of approved type.

Whenever a water-closet of prohibited type is replaced the reconstruction of adjacent small fixtures, wastes and vents required to bring them into reasonable conformity to these

regulations shall also be performed, and the soil stack also extended above the roof level.

SECTION 34. Latrines and trough water-closets are prohibited.

SECTION 35. No brick, sheet metal or earthenware flue, or chimney flue, shall be used as a sewer ventilator, or to ventilate any trap, drain, soil or waste pipe.

SECTION 36. All soil drain, waste and vent-pipes shall be located inside of buildings. Every soil and vent-pipe shall be of iron, lead or brass, with screwed, leaded and caulked or wiped joints, and shall be so located as to be accessible for inspection. Pipes of this kind shall be kept above ground, if practicable. When wrought iron vent pipes are used they shall be of galvanized iron provided with galvanized fittings. No cast iron vent-pipes shall be of less diameter than three (3) inches.

The Inspector of Plumbing may, with the approval of the Secretary of the Board of Health, authorize the placing of small vent pipes outside of old buildings in cases where it is considered inadvisable to locate them within the building. Any vertical line of leader, soil, or waste pipe over fifty feet in height must be of extra heavy cast iron pipe.

All vertical soil pipe must extend full size through roof. Vent soil pipes shall extend two feet above roof. When within four feet of any window or opening it shall then be placed one foot above either window or opening.

SECTION 37. At the base of all soil stacks or pipes there shall be placed a "plain tee fitting" to insert testing plug. After work is tested and tee removed, either a clean-out or a cast iron plug must be used to close opening.

SECTION 38. Every soil and waste pipe shall have a slope or incline of at least one (1) in forty-eight (48), and vent pipes, where not vertical shall have a continuous slope.

In no such line shall be run unnecessary bends or offsets, and, where changes of direction are unavoidable, they shall be made with bends of not more than forty-five (45) degrees, if practicable.

No air inlet shall be laid without the best obtainable slope, and in a manner to avoid unnecessary length and bends.

## SIZES OF SOIL AND WASTE.

The sizes of soil and waste pipes must not be less than those set forth in the following table:

Horizontal lines are to be increased as fixtures are added, but verticals throughout their entire length are to have the diameter given for the total number of fixtures which discharge through them.

<i>Horizontal Runs.</i>	<i>No. of Water-Closets.</i>
4 inches .....	1 to 6
5 inches .....	7 to 12
6 inches .....	13 to 20
<i>Vertical Runs.</i>	<i>No. of Water-Closets.</i>
4 inches .....	1 to 12
5 inches .....	13 to 25
6 inches .....	26 to 40

Small fixtures in number not to exceed twice the number of water-closets may discharge into the lines above specified without increasing their size.

When the small fixtures exceed in number this ratio four other fixtures shall be connected equal to one water-closet.

SECTION 39. Deviations and variations from these rules will be allowed when desired only when in the opinion of the Board they will not be liable to become a source of danger to the public health.

SECTION 40. All fees received by the Board of Health or Inspector of Plumbing, for permits, licenses, etc., shall be paid into the treasury of the city.

## XXIII. HEALTH.

SECTION 1. No person shall throw or deposit or cause to be thrown or deposited in any street, gutter, lane, court, square, alley, walk or public place, any garbage, excrement, filth, dead bodies of animals or any liquid or solid substance which may occasion noxious exhalations or offensive smells, nor any sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, or any animal or vegetable substance whatever, nor shall any person throw or cast any dead animal or any foul, offensive or noxious matter into any dock or place covered by fresh water, nor into the salt water, except beyond mean low tide, nor there without securing thereto a weight sufficient to prevent it from floating.

SECTION 2. Whenever any drain or cesspool in the

opinion of the Mayor or Board of Health shall become dangerous to the health or prejudicial to the comfort of the citizens on account of dirt or filth, the owner or occupant of the premises where such drain exists being notified thereof by the Mayor or a member of the Board of Health or the Health Officer shall within twenty-four hours remove said dirt and filth and shall forthwith repair such drain to the satisfaction of the Mayor, Board of Health or Health Officer.

SECTION 3. No person shall open or cause to be opened any privy or privy vault for the purpose of removing the contents thereof or shall cause such contents to be removed between the first day of June and the first day of October unless the same shall be done after the hours of nine o'clock in the evening and before the hour of six in the morning.

SECTION 4. No person shall cause any night-soil or the contents of any vault or privy to be carried or carted through any of the streets in this city unless in a tight covered vehicle and after the hour of ten in the evening and before the hour of six in the morning.

#### XXIV. NUMBERING OF DWELLING HOUSES AND OTHER BUILDINGS.

SECTION 1. There shall be inscribed on or affixed to all dwelling houses and other buildings erected or fronting on any street, lane, alley or public court within the City of South Portland, numbers of regular series to be designated by the Council or some person by them thereunto duly authorized, said numbers to be not less than one and seven-eighths inches in height and to be so placed as to be plainly visible from the street. Any owner or occupant of any building or part of a building who shall neglect or refuse to affix to the same the number so designated, or who shall affix to or retain thereon more than forty-eight hours any number contrary to the direction of the Council or person so authorized shall be liable to a penalty of not less than one dollar, nor more than five dollars, and a like sum for each subsequent offense.

#### XXV. JUNK PEDDLERS.

SECTION 1. No person shall go from house to house or from door to door in the City of South Portland purchasing or soliciting the sale of old rags, bottles, metal, paper or other

articles commonly known and denominated as junk, without first obtaining license so to do from the municipal officers, as hereafter provided.

SECTION 2. All applications for license shall be in writing, signed by the applicant, stating his age, residence and nationality and containing the recommendation of at least one well-known citizen of Cumberland County, who must be personally acquainted with the applicant. Before issuing any such license the municipal officers may require any other satisfactory evidence as to the character and fitness of the applicant.

SECTION 3. All licenses issued under the provisions of this ordinance, shall run for the remainder of the municipal year in which they are issued unless sooner revoked.

SECTION 4. All licenses shall be numbered and while doing business thereunder each person licensed shall wear in plain sight a badge engraved with his license number, which shall also be painted or otherwise plainly displayed upon his cart or other vehicle used by him in said city while engaged in purchasing junk.

SECTION 5. Any person permitting his badge or carts to be used by another for the purpose of evading the provisions of this act shall forfeit his license and be liable to a penalty of not exceeding twenty dollars.

SECTION 6. Before any license herein provided shall be issued, the applicant shall pay to the City Clerk the sum of one dollar and fifty cents, for issuing and recording same, who shall thereupon furnish such applicant with a badge, and a number for his vehicle as aforesaid. The City Clerk shall have power to issue such licenses subject to the approval of the municipal officers.

SECTION 7. Any person violating the provisions of this act shall be subject to a penalty of not exceeding twenty dollars.

## XXVI. POOL-ROOMS, BOWLING ALLEYS, ETC.

SECTION 1. No pool-room, billiard hall, bowling alley, shooting gallery, or other place of amusement, conducted for the purpose of deriving revenue from the playing of games of skill, shall be kept open or have any games played therein after eleven o'clock on any night, and under no circumstances shall any minors under the age of fifteen years,



be permitted to take any part in any game therein, in the City of South Portland.

SECTION 2. Any person violating the above ordinance shall be liable to a penalty of not exceeding twenty dollars.

#### XXVII. TAMPERING WITH FIRE ALARMS.

SECTION 1. No person except the City Electrician and his assistants shall tamper with the city fire alarm, bells, signal or fire department system or cut any wire or break or interfere with any circuit thereof under a penalty of not exceeding twenty (20) dollars for each offence. Any member of the City Fire Department who removes a tapper from an electric tapper circuit shall in addition to the foregoing penalty be discharged from the Fire Department and shall not be re-instated or re-appointed thereto in any capacity.

SECTION 2. No person shall knowingly send a false alarm of fire within the city limits and any person who violates this ordinance shall be liable to a penalty not exceeding ten dollars or thirty days in jail.

#### XXVIII. BLASTING.

SECTION 1. No person shall blast any rock or other substance with gunpowder or any other explosive at any place within fifty rods of any street or public place in the city without license of the Mayor and Aldermen in writing, specifying the terms and conditions on which said license is granted under a penalty of not exceeding twenty dollars for each offence; *provided, however,* that the remedy of any person injured by the blasting of rocks shall not be affected by this section.

#### XXIX. DOGS.

SECTION 1. On complaint being made in writing to the Judge of the Municipal Court of South Portland, that any dog owned or kept within the city limits, has by barking, biting, howling or in any other way or manner disturbed the quiet of any person, or upon such complaint that any such dog has done damage to any person or their property within the city, the Judge shall thereupon order the owner or keeper of such dog to appear before him and answer to said complaint, by serving such owner or keeper with a copy of said complaint and order, a reasonable time before the day set for the hearing

thereof. If upon hearing, the Judge shall be satisfied that the complaint is true, he shall order such owner or keeper within twenty-four hours thereafter, either to kill or confine said dog, or remove and keep said dog beyond the city limits. And in case said owner or keeper shall neglect to comply with said order, he shall forfeit to the use of the city a sum not exceeding twenty dollars, to be recovered in the name of the city by an action on the case.

XXX. RESISTING POLICE OFFICERS AND CONSTABLES IN THE DISCHARGE OF THEIR DUTIES.

SECTION 1. Any person who shall resist a police officer or constable of the city in the discharge of his duties shall be liable to a fine of not less than five, nor more than twenty dollars; and any person who shall neglect or refuse to aid and assist a police officer or constable when called upon so to do, shall forfeit and pay not more than twenty dollars.

XXXI. OFFENCES AGAINST PEACE & GOOD ORDER.

SECTION 1. No person shall ride a bicycle, drive, wheel or draw any other vehicle, except children's carriages drawn by hand, or drive any horse or other animal upon any sidewalk, except across the same under a penalty of not exceeding ten dollars to be recovered by complaint. All portions of streets constructed in such manner as to be adapted to the use of pedestrians and not to the use of horses or carriages are to be considered sidewalks within the above provision.

SECTION 2. No person shall wilfully or negligently obstruct the free passage of foot travelers nor shall any person saunter or loiter for more than five minutes upon the sidewalk after being directed by a police officer to move on, under a penalty of not exceeding ten dollars. Three or more persons shall not stand in a group or near to each other on any sidewalk or cross-walk or in any street or any public way in such a manner as to obstruct free passage thereon or therein after a request from any person to make way, under a penalty of not exceeding ten dollars; and if three or more persons standing in a group or near to each other on any sidewalk or cross-walk or in any street or public way in this city so as to obstruct the walk, street or way in any manner, shall refuse or neglect

to pass on immediately on being directed so to do by the Mayor, any Alderman, City Marshal or Deputy or any policeman, constable or watchman, they shall each and severally be liable to a fine not exceeding ten dollars.

SECTION 3. No person shall stand, sit or loiter about or upon the walks, entrance, steps or grounds of any of the school houses, city offices, churches, stores, postal stations or any other public buildings within the city after being directed to move therefrom by the Mayor, any Alderman, policeman, constable, watchman, owner or occupant of the premises, under penalty of not exceeding ten dollars for each offence.

SECTION 4. No owner or person having charge of any horse, cow, ox, swine, goat or other grazing animal shall turn or permit the same to go at large in any street, highway or public place within the city under a penalty of not exceeding five dollars.

SECTION 5. No person shall swim or bathe in a nude state in the waters of the city which are adjacent to any of the wharves, bridges, highways, streets, railroads, avenues, cemeteries or places of public resort in said city under a penalty of not exceeding twenty dollars.

SECTION 6. No person shall kindle any fire in any field, pasture or enclosure not his own without the consent of the owner, nor shall any person discharge any gun, pistol or firearms in any street, highway or public place within the city.

SECTION 7. No person shall in any street or other public place make any loud or unusual noises by shouting, sounding horns, drums, or any instrument or thing, nor sing, nor utter any obscene or indecent songs or words, nor shall in any other unruly or boisterous manner disturb the peace, quiet and good order of the city.

SECTION 8. No person shall disturb any public meeting, singing school, entertainment or evening meeting of any kind by making loud or unusual noises, by shouting, stamping, or whistling, or by standing about and obstructing the steps, passage-ways or entrance of any building where such meetings are held.

SECTION 9. No person shall ride any bicycle, or ride or drive any animal or animals loose or attached to a carriage of any description or ride or drive any vehicle through any street

in the city at an unusual, immoderate and dangerous rate of speed.

SECTION 10. No person shall hitch or leave standing any horse across any sidewalk in the city.

SECTION 11. No person shall course, slide down, across, in or along any of the sidewalks or streets upon any hand-sled, board-jumper or otherwise, except in such streets or ways as shall be designated by the municipal officers.

SECTION 12. No person shall play at any game of ball or football or throw balls or stones, brick-bats, clubs or snow-balls within any of the streets in this city.

SECTION 13. No persons shall congregate on the Lord's day for the purpose of playing at any game or indulging in any sport, exercise or recreation, nor shall they play at any such game or sport or indulge in any such exercise or recreation in such a manner as to make themselves obnoxious to or disturb the peace and quiet of any of the citizens of this city.

SECTION 14. No persons shall make any indecent figures nor write any indecent or obscene words upon any fence, sidewalk, building or other public place within the city, nor deface any building, fence or other property not his own in the city, by cutting, breaking, daubing with paint, or in any manner deface or injure the same.

SECTION 15. No person shall make any alteration in any sidewalk or set any posts or any trees on any of the sidewalks or in any part of the street without the consent of the Mayor and Aldermen, or some person by them authorized.

SECTION 16. No person shall wilfully cut, scar or bruise, or cause or permit to be cut, scarred or bruised by hitching horses thereto or otherwise any ornamental or fruit trees on any of the streets, lanes or public ways in the city.

SECTION 17. No person shall, except for road purposes, remove any gravel, soil or material from any portion of the public highway, roads or streets or from any gravel-pit or sand-pit belonging to the city, without the consent of the Commissioner of Public Works expressly given therefor.

SECTION 19. No child under sixteen years of age shall be or remain upon any street, alley or lane, or in any public place, restaurant or place of resort or amusement in this city in the night-time after nine o'clock in the afternoon from May first to October thirty-first, both inclusive, nor after the hour

of eight o'clock in the afternoon from November first to April thirtieth, both inclusive, of each year, unless accompanied by a parent, guardian or other person having the legal custody of such minor or the lawful employment of such minor makes it necessary to be upon such street, alley or lane or in such public place, restaurant or place of resort or amusement after said hours.

### XXXII. FINES AND PENALTIES.

SECTION 1. When no punishment is provided by ordinance or a punishment is provided which is not within the jurisdiction of the Municipal Court of South Portland to impose, a person convicted of an offence under any such ordinance shall be fined not more than ten dollars for each offence.

SECTION 2. All fines, forfeitures and penalties for violation of any ordinance shall be to the use of the city and may be recovered therefor by action of debt or on complaint before the Municipal Court of said city.

SECTION 3. It shall be the especial duty of the constables and police officers of the city to prevent any transgression of the city ordinances and it shall also be their duty to prosecute on behalf of the city all persons known by them to have violated the provisions of any city ordinance.

### XXXIII. EXECUTION OF DEEDS IN BEHALF OF THE CITY.

SECTION 1. The Mayor is hereby authorized and empowered to affix the seal of the city unto and to execute and deliver in behalf of the same all deeds, contracts, agreements and other legal instruments required by any order or vote of the City Council whose execution and delivery is not otherwise provided for by law.

