

CHAPTER 4

PUBLIC SAFETY

SUBCHAPTER I - POLICE DEPARTMENT

SECTION 4-101 APPOINTMENT OF CHIEF OF POLICE

The Chief of Police shall be appointed by the City Manager with the advice and consent of the council as permitted under Article VI of the City Charter. For all purposes and as used in this Code, the office of the City Marshal designated under Article VI, Section 1(b)(1) of the City Charter is the office of the Chief of Police.

[Derivation: Section 18-1, 1973 Revised Code of Ordinances as amended 1/11/88]

SECTION 4-102 POLICE DEPARTMENT

The Police Department shall be composed of the Chief of Police and all regular police officers, reserve police officers, police officers, school crossing guards, special dispatchers and other employees under the direct supervision of the Chief of Police.

SECTION 4-103 CHIEF OF POLICE; DUTIES AND POWERS

1. The Chief of Police is the chief law enforcement officer of the City and the head of the Police Department. The Chief of Police shall have all the powers vested in him by statute and this Code.
2. The City Manager, may appoint regular, reserve, and special police officers and school crossing guards, with the advice and consent of the City Council.
3. The Chief of Police shall cause to receive, post, deliver and execute all notifications and precepts issued by the Mayor, Council, City Clerk, and make due return thereof.

[Derivation: Section 18-2, 1973 Revised Code of Ordinances as amended 1/11/88]

SECTION 4-104 (Reserved)

SECTION 4-105 CHIEF OF POLICE, ABSENCE OR DISABILITY

During the absence or disability of the Chief of Police, the Patrol Sergeant shall have and exercise all the power and authority, and perform all the duties pertaining to the office of Chief of Police.

[Derivation: Section 18-6, 1973 Revised Code of Ordinances; Ord. No.: 07-04, eff. 5/21/2007; Ord. No. 12-07, eff. 8/23/2012]

SECTION 4-106 POLICE OFFICERS

1. Regular and special police officers shall be under the direction of the Chief of Police and shall perform such police duty as he may require of them by day or by night.
2. All police officers shall, to the utmost of their power, preserve the public peace and prevent all riots, disorders and unlawful practices within the City.
3. All police officers shall have and exercise all powers given to and shall perform all duties imposed upon constables within the limits of the City, except service of civil process, and all powers given to and all duties imposed upon police officers by the State statutes, the Charter and the City Ordinances.
4. No police officer shall hold any other public office or take any active part in politics. Any violation hereof shall be considered cause for removal.
5. All police officers shall be bound by the regulations, policies and code of ethics established by the City Council.

SECTIONS 4-107 POLICE DEPARTMENT REGULATIONS

The City Council shall adopt, by Order, regulations governing the practices and procedures of the City of Hallowell Police Department and its employees that are consistent with the requirements of applicable statutes, including 25 M.R.S.A. § 2803-B and standards established thereunder.

[Derivation: Section 18-21, 1973 Revised Code of Ordinances as adopted]

SECTIONS 4-108 - 4-110 (Reserved)

SECTION 4-111 PROSECUTION OF VIOLATIONS

The Chief of Police is authorized to represent the City in District Court in the prosecution of alleged violations of those ordinances which the Police Department is empowered to enforce, if duly certified in accordance with 25 M.R.S.A. §2803 (3A), or successor statute. The Chief of Police may designate any police officer under his command, if so certified, to perform this prosecutorial function.

[Derivation: Section 18-11, 1973 Revised Code of Ordinances as amended 1/11/88]

SUBCHAPTER II - FIRE PROTECTION AND PREVENTION

DIVISION A - FIRE DEPARTMENT

SECTIONS 4-201 - 4-203 (Reserved)

SECTION 4-204 CHIEF TO CONTROL MEMBERS

The fire chief shall have the sole control and command over the members of the department, and in the absence of the fire chief, the assistant fire chief available shall have the powers and perform the duties that belong to and are required of the fire chief.

[Derivation: Section 9-16, 1973 Revised Code of Ordinances]

SECTION 4-205 CHIEF'S AUTHORITY TO EMPLOY EXTRA MEMBERS

Whenever the magnitude of a fire shall make it necessary, the fire chief, or in his absence assistant chief, is authorized to employ volunteer firemen for the occasion.

[Derivation: Section 9-17, 1973 Revised Code of Ordinances]

SECTION 4-206 CHIEF'S RESPONSIBILITY FOR EQUIPMENT

The fire chief shall be responsible for the proper maintenance of the equipment and buildings of the fire department.

[Derivation: Section 9-18, 1973 Revised Code of Ordinances]

SECTION 4-207 CHIEF TO INVESTIGATE FIRES

It shall be the duty of the fire chief to immediately investigate the cause, circumstances, and origin of each and every fire in the City, and especially to examine whether it was the result of carelessness or design.

[Derivation: Section 9-19, 1973 Revised Code of Ordinances]

SECTION 4-208 CHIEF'S AUTHORITY TO EXAMINE PREMISES: ORDER TO REMEDY CONDITIONS, PENALTY

1. The fire chief shall perform the duties of fire inspector under the state statutes, and shall have the powers thereof. He may, with the Code Enforcement Officer and municipal officers, at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within his jurisdiction, 25 M.R.S.A. § 2360.

2. Whenever he shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of such building or premises, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises.
3. The fire chief shall make, or cause to be made, an immediate investigation as to the presence of combustible material or the existence of flammable conditions in any building or upon any premises under his jurisdiction upon complaint of any person having an interest in said building or premises or property adjacent thereto.
4. Any owner or occupant failing to comply with his orders shall be punished in accord with Section 18, each day shall constitute a separate offense.
5. If the said owner or occupant shall deem himself aggrieved by such order when made by inspector of buildings or fire chief, he may within forty-eight (48) hours appeal to the City Council and the City Council refer same to the Board of Appeals if deemed necessary.

[Derivation: Section 9-20, 1973 Revised Code of Ordinances]

SECTION 4-209 **AUTHORITY TO ASSIST OTHER CITIES, CONTRACTS**

The fire chief is authorized to send his personnel and equipment to aid other cities and towns in extinguishing fires.

The City Manager with advice from the fire chief shall endeavor to secure contracts with adjoining towns providing for mutual exchange of aid, compensation therefor, and payment in case of damage to a City vehicle or injury or death to personnel of the department.

[Derivation: Section 9-1, 1973 Revised Code of Ordinances]

DIVISION B - MISCELLANEOUS OFFENSES

SECTIONS 4-251 - 4-255 (Reserved)

SECTION 4-256 **VACANT LOTS, CUTTING AND REMOVING GRASS, PENALTY**

The failure to cut and remove grass, weeds, bushes and underbrush from any vacant lot within the compact or built-up section of the City so as to bring about a condition dangerous in causing or promoting fires, is hereby declared to be illegal, and failure of the owner or person in possession of such lot to remove the same within fifteen (15) days of written notification by the fire chief shall be punishable in accordance with Section 1-109 of this code.

[Derivation: Section 9-2, 1973 Revised Code of Ordinances]

SECTION 4-257 OPEN BURNING PROHIBITED, EXCEPTIONS

Open burning of garbage, leaves or refuse material of any kind within the boundaries of the City is hereby prohibited, subject to the penalty provisions of Section 1-109 of this code.

Open burning may be permitted for the following purposes provided a permit is obtained from the City Forest Fire Warden as provided under Regulations of the Maine Department of Environmental Protection Implementation Plan, Nov. 2, 1972:

1. Open burning for the control or prevention of any disease, virus or similar hazard to public health;
2. Open burning for agricultural purposes such as land clearing, blueberry control, or burning for similar prescribed agricultural purposes;
3. Open burning for the disposal of any material generated by the demolition of any building or the clearing of any land for the erection, modification or construction of any highway, railroad, power or communication line or pipeline, or commercial or industrial or recreational building or development; and
4. Open burning for training, research and recreational purposes except that fires for recreational purposes on a person's own or occupied property do not require a permit. Said fires must be a minimum of 10 feet from any structure.

[Derivation: Section 9-6, 1973 Revised Code of Ordinances, Amended 9/17/73]

SECTION 4-258 FIRE LIMITS

No outside fires are permitted within the area described as follows:

1. Bounded easterly by the Kennebec River.
2. Bounded northerly by the Hallowell-Augusta boundary.
3. Bounded westerly by a line running 200 feet westerly of and parallel to Water Street from the Hallowell-Augusta boundary of the Maine Central Railroad; thence southerly along said boundary to its intersection with Chestnut Street. Also includes area bounded by Winthrop Street on the North, Franklin Street Ext. on the West, Central Street on the South, and Maine Central Railroad on the East.
4. Bounded southerly by a line 200 feet southerly of and parallel to Chestnut and Temple Streets between the Maine Central Railroad right-of-way and the Kennebec River.

[Derivation: Section 6-10, 1973 Revised Code of Ordinances as amended]

SECTION 4-259 Repealed.

[Derivation: Ord. No. 07-05, effective July 9, 2007; Ord. No. 07-14, effective December 10, 2007; Ord. No. 08-06, effective July 7, 2008; Ord. No. 13-07, effective September 19, 2013]

SECTIONS 4-260 THROUGH 4-270 (Reserved)

SECTION 4-271 FALSE ALARM, INTERFERENCE WITH SYSTEM AND POLICY FOR APPARATUS CHARGES FOR FALSE ALARMS/MALFUNCTIONS

No person shall willfully or mischievously give or cause to be given a false alarm of fire, or shall injure or in any way interfere with the fire alarm apparatus.

TYPES OF CALLS TO BE CHARGED:

1. System Malfunction due to LACK of maintenance by calling facility.
2. Two (2) or more False Alarms from a building or complex.
3. "Good Intent" from the public: no charges shall be made for these visual or auditory requests.

MANPOWER

Any charged calls shall pay \$15.00 per hour or fractional part thereof for each responding fire fighter.

APPARATUS

Hourly rates for the following shall be considered appropriate: Engine #1 = \$175.00; Engine #2 = \$150.00; Squad #1 = \$25.00. A charge shall be made for all responding units, except that the Maximum Charge for any call where apparatus responds shall not exceed \$500.00 per hour.

CHARGES START

When the Hallowell Fire Department has been called for a False Alarm two times in a year, the City of Hallowell shall charge the building owner for the costs associated with the response. Final determination of these charges is at the discretion of the Fire Chief.

[Derivation: Section 9-3, 1973 Revised Code of Ordinances; Ord. No. 09-04, effective 4/23/2009]

SECTION 4-272 PRIVATE ALARMS, INDIVIDUAL'S OBLIGATION TO INSTALL AND MAINTAIN

The expense of installing and maintaining wires running from the fire alarm boxes situated in and on private property to the central fire station or to any other fire station shall be borne by the person installing such fire alarm boxes on private property or using them.

[Derivation: Section 9-4, 1973 Revised Code of Ordinances]

SECTION 4-273 UNAUTHORIZED USE OF FIRE HYDRANTS

No person except employees of the Hallowell Water District or regular members of the fire department shall open any fire hydrant.

[Derivation: Section 9-5, 1973 Revised Code of Ordinances]

DIVISION C – FIREWORKS

SECTION 4-281 TITLE AND AUTHORITY

This ordinance shall be known as the “City of Hallowell Fireworks Ordinance.” It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A

SECTION 4-282 DEFINITIONS IN ACCORDANCE WITH 8 M.R.S.A. § 221-A, SUBSECTION 1-A

1. Consumer Fireworks. “Consumer Fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer Fireworks” does not include the following products:
 - A. Missile-type rockets, as defined by the State Fire Marshal by rule;
 - B. Helicopters and aerial spinners, as defined by the state Fire Marshal by rule; and
 - C. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

2. Fireworks. "Fireworks" means any:
 - A. Combustible or explosive composition or substance;
 - B. Combination of explosive compositions or substances;
 - C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
 - D. Fireworks containing any explosive or flammable compound; or
 - E. Tablets or other device containing any explosive substance or flammable compounds.

The term "Fireworks" does not include Consumer Fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

SECTION 4-283 AREAS RESTRICTED TO USE

1. The use of Consumer Fireworks is restricted in the downtown area in accordance with current City fire ordinances.
2. The use of Consumer Fireworks is restricted in all areas of the City east of Middle Street to the Kennebec River.
 - A. Second Street inclusive from Lincoln Street to the Augusta City boundary and all areas east of Second Street to the Kennebec River.

SECTION 4-284 USE PROHIBITED

1. No person or group of persons shall use, display, fire or cause to be exploded Fireworks, except in a fully permitted fireworks display.
2. No person shall use, display or cause to be exploded Consumer Fireworks, except in compliance with all federal, state and local laws, ordinances, rules and regulations. The use of Consumer Fireworks requires a fire permit in accordance with Title 12

Chapter 807 - Forest Fire Control, Subchapter IV - Regulation of Open Burning, Article II Out-of-Door Fires, Sections 9321-9324 and Title 25, Chapter 317 - Preventative Measures and Restrictions, sec. 2436-A. The permit may be obtained from the Hallowell Fire Chief, Town Fire Warden or their designee(s). A permit must be obtained 24 hours prior to discharge or use of the Consumer Fireworks. This permit at minimum shall include the name and address of the applicant, date of application, date of discharge, hours of discharge, location of discharge, and written permission of landowner if location is not on land owned by applicant, plot plan showing area of discharge and signature of applicant. The Fire Chief, Town Fire warden or their designee(s) shall issue a permit if it is found that the use will not create a fire danger, a danger to the persons at the location of the discharge, or a danger to the general public. A copy of the approved permit shall be forwarded to the Hallowell Police Department and the dispatch center.

SECTION 4-285 FIREWORKS DISPLAY

A Fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221 – 237, and particularly section 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A(2). A Fireworks display shall comply with all federal, state and local laws, ordinances, rules and regulations.

SECTION 4-286 CONDITIONS TO USE OR DISPLAY OF CONSUMER FIREWORKS

1. The City assumes no liability for injuries that result from the use or display of Fireworks or Consumer Fireworks regardless of the status of a permit.
2. Consumer Fireworks cannot be used or displayed within 300 feet of any combustible structure or within 50 feet of overhead power lines.
3. Spectators may be no closer than 100 feet from the discharge point of Consumer Fireworks.
4. Permits issued for the use or display of Consumer Fireworks shall specifically identify and restrict the date, time, duration, location and direction (if restricted) of the fireworks discharge or display.
5. Any permit issued for the use or display of Consumer Fireworks may be denied or revoked by the Fire Chief or his or her designee where cause exists that environmental or any other condition should preclude such issuance.
6. It shall be unlawful for any person or firm to use or display Consumer Fireworks without providing for the cleanup and removal of all debris.
7. Any person using or displaying Fireworks or Consumer Fireworks must not consume alcohol, be under the influence of alcohol or be otherwise impaired while discharging

the fireworks.

8. Means to extinguish any spot fires resulting from the use or display of Fireworks or Consumer Fireworks must be available. This includes fire extinguishers and garden hoses. Access to 9-1-1 must also be available during the use or display of Fireworks or Consumer Fireworks should an emergency arise.
9. A permit for Consumer Fireworks will not be issued if the forest fire danger is greater than a Class "3". A permit is issued for one day; alternative (rain) dates may be listed on the permit.

SECTION 4-287 CIVIL PENALTIES

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than one hundred dollars (\$100) per occurrence and not more than five hundred dollars (\$500) per occurrence, plus attorney's fees and costs.

[Derivation: Ord. No. 12-02, effective 2/23/2012]

SUBCHAPTER III - TRAFFIC CONTROL

DIVISION A - GENERAL

SECTION 4-301 TRAFFIC INFRACTIONS

Any violation of the provisions of this Subchapter IS A TRAFFIC INFRACTION WITHIN THE MEANING OF 29-A M.R.S.A. § 101(85). Any person who violates a provision of this Subchapter shall be subject to the civil penalties provided under 29-A M.R.S.A. § 103 and § 2604, or otherwise provided by statute or Section 1-109 of this Code.

SECTION 4-302 DEFINITIONS

Unless otherwise provided in this Subchapter, terms used in this Subchapter shall have the same meanings and definitions used under Title 29-A of the Maine Revised Statutes.

DIVISION B - OPERATIONS

SECTION 4-311 DESIGNATION OF TRAFFIC CONTROL DEVICES, SIGNS AND CROSSWALKS

Traffic control devices and pedestrian crosswalks as referenced under Chapter 19 of Title 29-A of the Maine Revised Statutes are designated by the City Council as follows:

1. Schedule of Stop Signs. Stop signs or flashing red lights shall be erected and maintained in accordance with the following schedule:
 - A. Stop Signs East/West:
 - (1) Park St. – 2/ One on Water/Park and Second/Park
 - (2) Western Ave. – 2/ Water/Western Ave. and Second/Western Ave.
 - (3) Stoddard Lane – 2/ Water/Stoddard Lane and Second/Stoddard Lane
 - (4) North St. – 2/ Water/North St. and Second/North St.
 - (5) Wilder St. – 1/ Wilder/Water St.
 - (6) Winthrop St. – 1/ Winthrop/Water St.
 - (7) Central St. – 1/ Central/High St.

- (8) Union St. – 5/ Union/Water St. 1; Second/Union St. 2; Middle/Union 2 Stop Signs
- (9) Academy St. – 1/ Academy/Mayflower
- (10) Temple St. – 1/ Temple/Water St.
- (11) Gows Lane – 2/ Gows/Water St. and Gows/Second St.
- (12) Elm St. – 1/ Elm/Water St.
- (13) Greenville St. – 1/ Greenville/Water St.
- (14) Maple St. – 1/ Maple/Water St.
- (15) Page St. – 1/ Second/Page St.
- (16) Vine St. – 1/ Second/Vine St.
- (17) Lincoln St. – 3/ 1 at Second/Lincoln St. and 2/ Middle/Lincoln St.
- (18) Chestnut St. – 3/ 1 at Chestnut/Second St. and 2 at Chestnut/Middle St.
- (19) Grove St. – 2/ Grove/Second and Grove/Middle St.
- (20) Litchfield St. – 1/ Litchfield/Middle St.
- (21) Bombahook Est. – 1/ Bombahook/Town Farm Rd.
- (22) Vaughan Rd. – 1/ Vaughan Rd./Smith Rd.
- (23) Academy St. – 2/ Academy St./Second St.
- (25) Balsam Dr. – 1/ Balsam Drive / Winthrop Street.

[Derivation: Ordinance No. 05-08; Effective: November 18, 2005]

[Derivation: Section 22-24, 1973 Revised Code of Ordinances as amended by Ord. No. 99-3, Eff. 7/2/99 and Ord. No. 00-12, Eff. 8/7/00]

B. Stop Signs North/South:

- (1) Second St. – 6/ 2 Second St./Winthrop St.; 2 Second St./Central St.; and 2 Second St./Academy St.
- (2) Franklin St. – 2/ Franklin/Union St. and Franklin/Central St.

- (3) Summer St. – 3/ Summer/Grove - 2; and Summer/Litchfield Rd. - 1
- (4) Middle St. – 8/ Middle St./Lincoln - 2; Middle/Winthrop St. - 2; Middle St./Central St. - 2 and Middle/Academy St. - 2
- (5) Spring St. – 2/ Spring/Winthrop St. and Spring/Central St.
- (6) Warren St. – 6/ 1 Warren/Winthrop St; 2 Warren/Central St.; 2 Warren/Union St. and 1 Warren/Academy St.
- (7) Pleasant St. – 1/ Pleasant/Winthrop St.
- (8) Ledges – 1/ Ledges/Central St.
- (9) High St. – 3/ High/Winthrop St. - 1; and High/Central St. - 2
- (10) Blake Ave. – 1/ Blake Ave./Central St.
- (11) Hillcrest St. – 2/ Hillcrest/Central St. and Hillcrest/Mayflower Rd.
- (12) Mayflower Lane – 1/ Mayflower Lane/Mayflower Rd.
- (13) Orchard Lane – 1/ Orchard Lane/Central St.
- (14) Greenville St. – 1/ Greenville/Maple St.
- (15) Blaine Road. – 1/ Blaine Rd. /Maple St.
- (16) Whitten Rd. – 1/ Whitten Rd./Winthrop St.
- (17) Town Farm Rd. – 2/ Town Farm Rd./Winthrop St. and Town Farm Rd./Central St.
- (18) Beacon Rd. – 1/ Beacon Rd./Granite Hill
- (19) Nye Road – 1/ Nye Rd./Granite Hill
- (20) Foye Rd. – 1/ Foye Rd./Granite Hill
- (21) Vaughan Rd. - 2/ Vaughan Rd./Outlet Rd. and Vaughan Rd./Litchfield Rd.
- (22) R/W Rd. – 1/ R/W Rd./Outlet Rd.
- (23) Smith Road – 1/ Smith Rd./Litchfield Rd.

2. Schedules of Yield Signs; Right of Way Signs. Yield signs shall be placed at the following locations:
- A. Densmore Court/Wilder St.
 - B. Temple St./Second St.
 - C. Summer St./Chestnut St.
 - D. Bridge St./Second St.
 - E. Outer Central St./Shady Lane
 - F. 2 Yield Signs - Outlet Rd/Shady Lane

[Derivation: Section 22-26, 1973 Revised Code of Ordinances as amended; Ord. No. 15-04, eff. 07/23/2015]

3. One-way Streets. One-way streets shall be designated with signs in accordance with the following schedule:
- A. Perley Lane shall be a one-way street running from west to east.
 - B. Academy Street (From Water St. until Second St.) shall be a one-way street running east to west.

[Derivation: Section 22-4, 1973 Revised Code of Ordinances as amended]

4. Traffic lights. Traffic lights shall be located at the following intersections:
- A. Maple Street/Water Street
 - B. Outer Central Street/Town Farm Road

[Derivation: Section 22-22, 1973 Revised Code of Ordinances as amended]

5. Pedestrian Crosswalks. Crosswalks shall be provided at the following locations:
- A. Corner of Second St./North St.
 - B. Water St./Across to Bolley's
 - C. Corner of Page St./Second St.
 - D. Corner of Vine St./Second St.

- E. Corner of Lincoln St./Second St.
- F. 2 at the Corner of Lincoln/Middle St.
- G. 3 at the Corner of Middle St./Winthrop St.
- H. 4 at the Corner of Second St/Winthrop St.
- I. Corner of Winthrop/Water St.
- J. Corner of Dummers Lane/Water St.
- K. 2 at the Corner of Central St/Water St.
- L. 4 at the Corner of Central St./Second St.
- M. 3 at the Corner of Central St./Middle St.
- N. 2 at the Corner of Union St./Water St.
- O. 2 at the Corner of Union St./Second St.
- P. 2 at the Corner of Union St./Middle St.
- Q. Corner of Academy St./Water St.
- R. Academy St./Cotton Mill Parking Lot
- S. Corner of Academy St./Middle St.
- T. Across Water St. By Fido's
- U. Corner of Grove St./Middle St.
- V. Corner of Chestnut/Middle St.
- W. Corner of Second Street and Western Avenue.
- X. Corner of Second Street and Park Street.
- Y. Corner of Second Street and Stoddard Lane.

[Derivation: Section 22-59, 1973 Revised Code of Ordinances as amended by Ord. No. 00-11, eff. 7/14/00]

- Z. Balsam Drive from curb ramp to Hackmatack Lane pedestrian lane.

[Derivation: Ordinance No.: 05-08; Effective: November 18, 2005]

6. Prohibited turns. Prohibited turns shall be designated with signs in accordance with the following schedule:
 - A. No right turn: Second Street to Bridge Street
 - B. No left turn: Bridge Street to south on Second Street

[Derivation: Section 22-5, 1973 Revised Code of Ordinances as amended; Ord. No. 15-04; eff. 07/23/2015]

SECTION 4-312 REGULATION OF SPEED LIMITS ON CERTAIN CITY STREETS, PARKS, AND PARKING AREAS

Except as expressly superseded by State statute, it shall be unlawful for any vehicle to exceed the speed limits established for each area of public property listed as follows:

- A. The speed limit in all City parking lots, including entry ramps and drives is fifteen (15) miles per hour.

[Derivation: Ord. No. 00-14, eff. 10/20/00]

SECTIONS 4-313 THROUGH 4-315 (Reserved)

SECTION 4-316 HEAVY TRUCKS PROHIBITED ON WINTHROP STREET, PENALTY

1. All through trucks in excess of sixteen (16) tons gross weight, gross weight rating, gross combination weight rating, or registered gross weight, all trailer trucks, all mobile or prebuilt houses, and all loads in excess of eight and one-half (8½) feet in width are hereby prohibited from Winthrop Street westerly from Middle Street to the Whitten Road, Academy Street, Central Street and Page Street.
2. This section shall not apply to trucks making local deliveries within the City limits or trucks of local origin.
3. Civil Penalties: A violation of this Section shall be a civil violation subject to a civil penalty specified in subsection 3.A., 3.B., and 3.C. below. In addition to any civil penalty, the City may seek restitution for reasonable attorney fees and costs. Prosecution shall be in the name of the City of Hallowell.
 - A. Over 16 tons to less than 25 tons: \$100.00.
 - B. 25 tons to 40 tons: \$500.00.
 - C. Over 40 tons: \$1000.00.

[Derivation: Section 22-6, 1973 Revised Code of Ordinances as amended]

[Derivation: Ordinance No.: 04-01, Effective Date: February 19, 2004]

SECTION 4-317 OPERATION OF MOTOR VEHICLES ON CITY AND WATER DISTRICT PROPERTY OTHER THAN PUBLIC WAYS

It shall be unlawful for any person or persons to operate any motor vehicle as hereinafter defined upon any property owned or leased by the City of Hallowell or by the Hallowell Water District except upon public ways or upon designated roads, trails and parking areas or upon special use areas designated by the City Council.

1. Motor vehicle shall mean and include any vehicle operated on wheels, tracks or other form and driven or powered by other than muscular power, and shall include but not be limited to cars, trucks, motorcycles, scooters, recreational vehicles, off the road vehicles, all terrain vehicles, snowmobiles, and the like.
2. In designated areas referred to above including roads, trails, parking areas and special use areas it shall be unlawful to operate a motor vehicle:
 - A. in a reckless manner;
 - B. while intoxicated as defined in 29 M.R.S.A. § 1312;
 - C. in a manner so as to endanger any person or property;
 - D. at an unsafe rate of speed, speeds in excess of 20 MPH shall be prima facie unsafe;
 - E. in the hours of darkness without head lights capable of illuminating objects and terrain 500 feet ahead of the vehicle;
 - F. in violation of any posted regulations governing the area; and
 - G. in violation of the instructions of any City official in charge of said area.
3. Each person operating a motor vehicle on property owned or leased by the City who is involved in an accident shall, within 24 hours therefrom, file with the City Police Department a report thereof in such detail as the Department shall prescribe.
4. Any person found guilty of violating the provisions of this Ordinance shall be punished by a fine as provided by Section 1-109.

[Derivation: Section 22-8, 1973 Revised Code of Ordinances as amended]

SECTION 4-318 RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

1. **Purpose and Authority:** The purpose of this Section is to prevent damage to city ways and bridges in the City of Hallowell which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of city ways and bridges, and to reduce public

expense of their maintenance and repair. This Section is adopted pursuant to 30-A M.R.S.A. s/s 3009 and 29-A M.R.S.A. s/s 2395 and 2388.

2. **Definitions:** the definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Section. Any words not defined therein shall be given their common and ordinary meaning.
3. **Restrictions and Notices:** The City Council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in its judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the city ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable period on any way or bridge so posted unless that person or vehicle is exempt as provided herein, or holds a valid permit issued pursuant to subsection 6.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the City Council President, or if designated by majority vote of the City Council, the signature of the Street Commissioner, or Highway Department Foreman. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way,

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

4. **Streets / Roads to be Posted:** The following streets and roads will be posted seasonally: Academy Street, Balsam Drive, Blaine Road, Central Street (from Middle Street to Dead End), Greenville Street, High Street, Outlet Road, Second Street (from Winthrop Street to the intersection of Middle Street / Litchfield Road, Shady Lane, Smith Road, Union Street (from Middle Street to Dead End), Town Farm Road and Vaughan Road.
5. **Exemptions:** Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998 are exempt from this Ordinance.

Due to economic necessity, vehicles making local deliveries to businesses located on the following streets are exempt: Temple Street, Central Street from Water Street to Middle Street, Union Street from Water Street to Second Street.

6. **Permits:** The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the City Council for a permit to operate on a posted way or bridge notwithstanding the restriction. The City Council may issue a permit only upon all of the following findings:
- (a) no other route is reasonably available to the applicant;
 - (b) it is a matter of economic necessity and not a mere convenience that the applicant use the way or bridge; and
 - (c) the applicant has tendered cash, a bond or other suitable security running to the City of Hallowell in an amount sufficient, in their judgement, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the City Council makes the foregoing findings, it need not issue the permit if it determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the City. It may also limit the number of permit issued or outstanding as may, in its judgement, be necessary to preserve and protect the ways and bridges.

In determining whether to issue a permit, the City Council shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;
- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles; and
- (f) such other circumstances as may, in their judgment, are relevant.

The City Council may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit. It is unlawful to violate the conditions of an issued permit.

7. **Administration and Enforcement:** This Section shall be administered by the City Council and may be enforced by the City Council or its duly authorized designees: law enforcement officers, code enforcement officer, or street / road commissioner.

8. **Civil Penalties:** Any violation of this Section shall be a civil violation subject to a civil penalty of not less than \$250.00 nor more than \$1,000.00. Each unlawful passage of a vehicle over a posted City way or bridge is a separate violation. In addition to any civil penalty, the city may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the City of Hallowell.

[Derivation: Ordinance No.: 02-08, Effective: December 19, 2002]

DIVISION C - STOPPING AND STANDING

SECTION 4-331 **STOPPING NOT TO OBSTRUCT CROSSING, DRIVER TO OBEY OFFICER**

1. No vehicle shall stop in such a way as to obstruct any street or crossing except for the purpose of taking on or letting off a passenger, or for loading or unloading freight, for a period of up to one (1) minute, or except in case of accident, or when directed to do so by a police officer.
2. No person shall fail to stop or place his vehicle as directed by a police officer on duty.

[Derivation: Section 22-20, 1973 Revised Code of Ordinances as amended]

SECTION 4-332 **STOPPING AT INTERSECTION, HYDRANTS**

No vehicle shall stop or stand within the intersection of any streets or within fifteen (15) feet of a street corner, or within seven (7) feet of any hydrant, wherever located, provided, however, that the foregoing provisions of this section shall not apply to the United States Mail, emergency and public utility vehicles on duty.

[Derivation: Section 22-21, 1973 Revised Code of Ordinances as amended]

SECTION 4-333 **PARKING TO OBSTRUCT TRAFFIC, BLOCK DRIVEWAYS: REMOVAL AUTHORIZED**

The parking of a motor vehicle in such a manner as to obstruct traffic or block a driveway or sidewalk is prohibited. Such cars may be removed in accordance with the provisions of this article.

[Derivation: Section 22-22, 1973 Revised Code of Ordinances as amended]

SECTION 4-334 **OBSTRUCTING TRAFFIC, FAILURE TO OBTAIN SNOW TIRES, CHAINS**

Between the dates of December 1 and March 1 annually, it shall be unlawful and a violation

of the provisions of this section for any person to cause an obstruction to traffic by reason of inability to move a vehicle being operated by him because of snow or ice accumulation in a street when such vehicle has not been equipped with either snow tread or all-season tires or tire chains.

[Derivation: Section 22-1, 1973 Revised Code of Ordinances as amended]

SECTION 4-335 STOPPING NEAR CURB REQUIRED

Unless in accordance with the City regulations, or in an emergency, or to allow another vehicle or pedestrian to cross its way, no vehicle shall stop in any public street except close to the curb and no more than twelve (12) inches, provided, however, that this section shall not apply to United States Mail, emergency or public utility vehicles on duty.

[Derivation: Section 22-23, 1973 Revised Code of Ordinances as amended]

DIVISION D - PEDESTRIANS

SECTION 4-341 REQUIRED USE OF SIDEWALKS

Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

[Derivation: Section 22-56, 1973 Revised Code of Ordinances as amended]

SECTION 4-342 WALKING ON HIGHWAY IN ABSENCE OF SIDEWALKS

Where sidewalks are not provided, any pedestrian walking along and upon the highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

[Derivation: Section 22-57, 1973 Revised Code of Ordinances as amended]

SECTION 4-343 RIGHT-OF-WAY

All pedestrians using the crosswalks in the City which are painted and posted by legal highway signs shall have the right-of-way over oncoming traffic. The driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

[Derivation: Section 22-58, 1973 Revised Code of Ordinances as amended]

SECTION 4-344 **MANNER OF CROSSING ROADWAY**

No pedestrian shall cross a roadway by any other route than at right angles to the curb or by the shortest route to the opposite curb.

[Derivation: Section 22-61, 1973 Revised Code of Ordinances]

DIVISION E – BICYCLISTS

SECTION 4-351 **PROHIBITED USE OF SIDEWALKS**

1. It shall be unlawful for any person or persons to ride a bicycle or any other two- or three-wheeled vehicle regardless of the means of propulsion, on the sidewalks bordering Water Street, from its intersection with Winthrop Street to its intersection with Temple Street.
2. A violation of this Section may be punishable by a civil penalty of not less than \$50.00, and as provided under Section 1-109. If the violator is under eighteen years of age, such punishment by fines as above shall be charged against the parent, parents, or guardians.
3. An exception to the requirements of this ordinance is granted to any disabled individual using a mobility device that is two- or three-wheeled.

[Derivation: Ord. No. 14-04, effective July 17, 2014]

SUBCHAPTER IV - PARKING

SECTION 4-401 PARKING IN EXCESS OF SEVENTY-TWO HOURS; NOTICE TO MOVE; REMOVAL

It shall be unlawful to leave a vehicle in a designated parking space or lot for a period in excess of seventy-two (72) hours. If a vehicle is parked in violation, a notice shall be placed on the windshield of such vehicle ordering its removal within twenty-four (24) hours. If after the expiration of such notice the vehicle is still in violation, such vehicle may be removed in accordance with the provisions of this article.

[Derivation: Section 22-24, 1973 Revised Code of Ordinances]

SECTION 4-402 NIGHT TIME PARKING NOT TO HINDER SNOW REMOVAL

No person shall park or permit a vehicle to remain parked, in any street of the City between 12:00 Midnight and 6:00 A.M. from November 15th thru April 1st.

[Derivation: Section 22-25, 1973 Revised Code of Ordinances, as amended 10/11/88]

SECTION 4-403 PARKING CLOSE TO FIRES

1. No person shall park a vehicle, with or without occupants, other than a fire department or police department vehicle or ambulance, on a public highway within one hundred (100) yards of a fire in which fire department personnel are engaged.
2. If a vehicle parks more than one hundred (100) yards from the fire and within one-quarter (1/4) mile thereof, it shall park on the right-hand side of the highway and parallel with and within twelve (12) inches of the curb or edge of the highway.

[Derivation: Section 22-26, 1973 Revised Code of Ordinances]

SECTION 4-404 PARKING FACING FLOW OF TRAFFIC PROHIBITED

Motor vehicles shall be prohibited from parking facing the flow of traffic on the wrong side of the public way within City limits.

[Derivation: Section 22-27, 1973 Revised Code of Ordinances; Ord. No. 08-10, eff. 11/20/2008]

SECTION 4-405 NO PARKING AREAS

It shall be unlawful for any person to park a vehicle in a designated no parking area.

The no parking areas in the City are as follows:

1. On the west side of Water Street between a point four hundred & fifty (450) feet north of the railroad overpass and a point four hundred & fifty (450) feet south of said overpass.
2. On the east side of Water Street between Wilder Street and the railroad overpass and a point three hundred (300) feet south of said overpass.
3. On the west side of Water Street from its intersection with Winthrop Street northerly to the north boundary of the premises designated as 85 Water Street.
4. On Union and Academy Streets between Second Street and the railroad.
- 4A. On the north side of Central Street between Second Street and the railroad.

[Derivation: Ord. No. 01-11, eff. 7/19/01]

- 4B. On the south side of Union Street between Water Street and Second Street.

[Derivation: Ord. No. 08-10, eff. 11/20/2008]

5. On any street or highway within fifty (50) feet of the nearest railroad crossing.
6. On the railroad overpass bridges on Second Street and on Vaughan Street.
7. On the Maine Turnpike overpass on Winthrop Street.
8. On any street within fifteen (15) feet of its intersection with another street.
9. No parking on either side of Page Street, Winthrop Street, Central Street or Academy Street on crest of hill obstructing view of on coming traffic.
10. No parking on the east side of the Whitten Road.
11. On both sides of Academy Street between Water Street and Second Street.
12. On the east side of Water Street from the north boundary line of the premises owned by the Masonic Temple to the south boundary line of the premises designated as 398 Water Street encompassing a distance of six hundred & forth-one (641 +/-) feet.
13. On the north side of Perley Lane.
14. Next to pedestrian bubbles on Second Street. (Pedestrian bubbles are the area of land in the right of way that jut out from the sidewalk to the traveled way).
15. On the east side of Second Street from Gows Lane north to Temple Street.

[Derivation: Section 22-28 (1-15), 1973 Revised Code of Ordinances as amended 1/4/88]

16. On any portion of Park Street between Second Street and Central Maine Power Pole No. 22.1; and on the southerly side of Park Street between Water Street and Second Street.

[Derivation: Section 22-28 (16), 1973 Revised Code of Ordinances as amended 6/11/90, and further amended by Ordinance No. 98-3 effective August 20, 1998]

17. No parking on the north side of Central Street from interstate 95 overpass bridge to the Town Farm Road.

[Derivation: Section 22-28 (16), 1973 Revised Code of Ordinances as amended 2/10/92]

18. No parking on the west side of the Smith Road, from Litchfield Road to Vaughan Road.

19. No parking on the north side of West Street from Water Street to Second Street, except along the front lot line of 3 West Street. (Changing Western Avenue to West Street.)

[Derivation: Ordinance No.: 08-01, Effective January 17, 2008]

20. No parking south of Perley's Lane to Academy Street on the west side of Second Street.

[Derivation: Section 22-28 (17), 1973 Revised Code of Ordinances as amended 6/7/92 and Ordinance No. 00-1 effective 1/20/2000; and Ordinance No. 02-01 effective 3/23/02]

21. No parking on the west side of Summer Street from Chestnut Street to Grove Street.

[Derivation: Ordinance No.: 03-23, Effective December 18, 2003]

22. No parking on the south side of Wharf Street from Water Street to Front Street.

[Derivation: Ordinance No.: 05-02, Effective April 22, 2005]

23. No parking on the west side of Water Street from Greenville Street southerly to the Farmingdale Town Boundary Line.

[Derivation: Ord. No. 12-09, eff. 10/9/2012 (emergency)]

24. No parking on the north side of Stoddard Lane from Water Street to Second Street.

[Derivation: Ord. No. 13-04, eff. 5/23/2013]

25. On the west side of Second Street from the north boundary line of the premises designated as 95 Second Street to the intersection of Lincoln Street and Second

Street.

26. On the east side of Second Street from the north boundary line of the premises designated as 90-92 Second Street to the railroad overpass.

[Derivation: Ord. No. 13-11, eff. 11/12/2013]

27. No parking on the north side of Litchfield Road from Second Street to Middle Street.

[Derivation: Ord. No. 14-07, eff. 11/20/2014]

SECTION 4-406 **PARKING RESTRICTIONS**

1. No person shall park a vehicle for a period longer than two (2) hours in the following areas during working hours 8:00 a.m. to 5:00 p.m. unless otherwise noted:

- A. On Water Street between Gows Lane on the south to Winthrop Street on the north, between the hours of 9:00 a.m. and 5:00 p.m. except on Sundays and holidays.
- B. On Winthrop Street from Water Street west to Second Street.
- C. On the east side of Second Street from Winthrop Street to the northerly property line of City Hall, between the hours of 9:00 a.m. and 5:00 p.m.
- D. In the Second Street Parking Lot north of City Hall.
- E. The three parking spaces in front of the Hubbard Free Library on the West Side of Second Street.

[Derivation: Ord. No. 02-03, effective 3/23/02]

- F. On both sides of Second Street from Winthrop Street to Union Street.
2. No person shall park a vehicle for a period longer than fifteen (15) minutes in the following areas during working hours 8:00 a.m. to 5:00 p.m. unless otherwise noted:

- A. Repealed.

[Derivation: Ord. No. 08-10, effective 11/20/08; Ord. No. 14-03, effective July 17, 2014]

- B. On the west side of Second Street in front of the U. S. Post Office.
- C. On the north side of Winthrop Street from Second Street to the railroad crossing.
- D. On the west side of Water Street between Central Street and Union Street from the corner of Union Street running north a distance that allows for four

designated parking spaces, between the hours of 7:00 am and 8:00 pm.

[Derivation: Ord. No. 12-12, eff. 10/19/2012; Ord. No. 14-07. Eff. 11/20/2014]

- E. On the east side of Second Street in front of the property designated as 94 Second Street, excluding the handicap parking space in front of said property.

[Derivation: Ord. No. 13-11, eff. 11/12/2013]

- 3. No person shall park a vehicle for a period longer than thirty (30) minutes in the following areas:

- A. On the west side of Second Street in front of the property of 127 Second Street from the southerly boundary a distance of sixty-five (65) feet to within fifteen (15) feet of the intersection of Academy Street and Second Street.

4. Repealed.

5. Repealed.

6. Repealed.

[Derivation: Section 22-29 (1-3,5), 1973 Revised Code of Ordinances; Ord. No. 10-02, effective 3/18/10]

- 7. Except as otherwise provided herein, no person, other than City employees and persons designated by the City Manager, shall park a vehicle or trailer of any kind upon property owned by the City. This Subsection shall not apply to persons who lawfully occupy tax acquired property or who are lawfully parked on public ways.

[Derivation: Section 22-29, 1973 Revised Code of Ordinances as amended 2/12/96]

SECTION 4-407 PARKING OF UNREGISTERED AND UNINSPECTED VEHICLES AND MOTOR CYCLES

No person shall allow an unregistered and/or uninspected motor vehicle or motor cycle or any part thereof of said vehicle or cycle to be parked upon public property for a period of longer than seventy-two (72) hours. Exceptions may be made upon securing a written permit from the Chief of Police. Said permit shall grant on a one time basis only, an extension of the seventy-two (72) hour period for an additional seventy-two (72) hours. A separate permit must be obtained for each vehicle, cycle, or part of same and shall cost \$3.00.

SECTION 4-408 REMOVAL OF VIOLATING VEHICLES

- 1. Any vehicle of any kind or description parked upon a public street of the City at a

place, in a manner, or for a length of time prohibited by an ordinance of the City, or so as to impede the City's snow removal operations or traffic in the public street, is hereby declared to be an obstruction in such street and a menace to the safe and proper regulation of traffic.

2. Any vehicle parked in such manner as described in this section may be removed by and under the direction of, or at the request of the Chief of Police, the senior police officer in charge of any shift, the City Manager or highway foreman to a garage or storage place within a ten (10) mile limit of the municipal boundary of the City and impounded therein.
3. Any person named in subsection (b) may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved and may employ any reputable person, engaged in the business of towing and storing vehicles, for such purpose.
4. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this section, and the payment of the charges specified in this division, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinances of the City.

[Derivation: Section 22-43, 1973 Revised Code of Ordinances]

[Derivation: Ordinance No.: 03-02 Effective: February 21, 2003]

SECTION 4-409 NOTIFICATION OF IMPOUNDMENT: RECOVER PROCEDURE

The Police Department shall make every effort to notify as promptly as possible the owner of any vehicle of its removal from the streets of the City, and as soon as possible a written notice that such vehicle has been impounded shall be sent to the owner at his last known address as shown by the records of the Secretary of State. If the owner is unknown, the Chief of Police shall cause to be published in the local newspaper printed in the City notice of such impounding, giving the registration number, the motor number and the name, type and year of such vehicle.

Before the owner of an impounded vehicle may remove it from the possession of the person towing or storing it, he shall:

1. Furnish satisfactory evidence of his identify and all of his ownership of such vehicle to the desk officer at the Police Department and pay the established charges for advertising, towing and storage and the fine to the Police Department.
2. Be furnished a two-part receipt upon payment of such charges, part one: a receipt for such payment, and part two: a release to be presented to the person having towed and stored such vehicle. The owner shall sign part two upon receipt of such vehicle.

[Derivation: Section 22-44, 1973 Revised Code of Ordinances]

SECTION 4-410 (Reserved)

SECTION 4-411 HANDICAPPED PARKING AREA

It shall be unlawful to park a vehicle in any parking space designated as reserved for the handicapped, by symbol or otherwise as provided by 30-A M.R.S.A. §3009(1)(D), unless the vehicle has affixed thereon license plates identifying the registered owner as a handicapped person.

[Derivation: Section 22-28A, 1973 Revised Code of Ordinances as amended 1/11/88]

SECTION 4-412 DESIGNATED PARKING SPACES RESERVED FOR THE HANDICAPPED

The following parking spaces are designated for exclusive use of handicapped persons pursuant to 30-A M.R.S.A. Section 3009:

1. One parking space near the corner of Central Street and Second Street on the east side.
2. One parking space on the east side of Second Street by the Handicapped ramp at City Hall.
3. One parking space on the east side of the entrance to the Municipal Parking Lot off Union Street.
4. One parking space in the Central Street parking lot on the east end.
5. One parking space on the west side of Water Street, southerly of the intersection of Water Street and Academy Street.
6. One parking space on the east side of Water Street, southerly of the fire hydrant located across Water Street from Academy Street.
7. One parking space at 9 Union Street on the north side.

[Derivation: Section 22-28A, 1973 Revised Code of Ordinances as amended 1/11/88; Ord. No. 97-9, effective 11/20/97; Amended Ord. No. 01-11, eff. 7/9/01; Ord. No. 01-13, eff. 10/19/01]

SECTION 4-413 THROUGH 4-450 (Reserved)

SECTION 4-451 EVIDENCE OF UNLAWFUL PARKING

Wherever in this Code it is provided that it shall be unlawful for a person to park a vehicle,

the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

[Derivation: Section 22-41, 1973 Revised Code of Ordinances]

SECTION 4-452 WAIVER OF COURT ACTION, FEE SCHEDULE

Any person charged with a violation of any provision of this Subchapter relating to unlawful parking may waive all court action by payment of a civil penalty as provided in Section 4-453 to the Police Department within seven (7) days of the violation.

The Chief of Police shall design and require use of a standard form parking ticket that provides notice to the person in violation, of the following:

1. The time, date, and place of violation.
2. The registration number and description of the vehicle.
3. The nature of the parking violation referencing the Revised Code of Ordinance of the City of Hallowell (1997), Chapter 4, Subchapter IV.
4. The opportunity to waive all court action by payment of the civil penalty within seven (7) days of the violation.
5. The entire schedule of civil penalties for parking violations as provided in Section 4-453.
6. The number of prior violations of record, and the opportunity to review that record.
7. The amount of the civil penalty for the current violation.
8. The place where the civil penalty may be paid.

The parking ticket may be an envelope in which the amount of the civil penalty may be enclosed, addressed to the Police Department.

[Derivation: Section 22-42, 1973 Revised Code of Ordinances as amended 4/11/94]

SECTION 4-453 CIVIL PENALTY

The civil penalty for violation of this Subchapter, relating to unlawful parking, shall be as follows:

1. \$ 15.00 for the first violation.
2. \$ 25.00 for the second violation.

3. \$ 50.00 for the third violation.
4. \$ 75.00 for the fourth violation and each violation thereafter, provided however, that any person who has not committed a violation during a period of 365 consecutive days shall be deemed to have no prior violations.
5. \$ 200.00 for the violation of parking in a Handicapped Parking Area in accordance with 30-A M.R.S.A. Section 3009 (1) (D) and Revised Code of Ordinances. City of Hallowell, (1997) Section 4-411.

[Derivation: Section 22-7, 1973 Revised Code of Ordinances as amended 4/11/94]

[Derivation: Ordinance No.: 03-07, Effective: April 11, 2003; Ord. No. 08-05, effective July 17, 2008; Ord. No. 15-01; effective 1/22/2015]

SECTION 4-454 **DOWNTOWN SNOW REMOVAL OPERATIONS**

1. Downtown Snow Removal Operations consists of removing snow banks from sidewalks, parking areas along streets and municipal parking lots located at City Hall, Central Street and Perley's Lane.
2. The Downtown Snow Removal Operations Area is defined as follows: Second Street from the north side of Temple Street to Lincoln Street. Water Street from the north side of Temple Street to the Railroad Overpass. Academy Street, Union Street, Central Street and Winthrop Street from the Railroad tracks to Water Street. Dummer's Lane between Second Street and Water Street and Perley's Lane.
3. Downtown Snow Removal Operations is scheduled by the City Manager and Highway Foreman.
4. Public Works Department personnel and equipment, contracted dump trucks, loaders, grader and dozer, and personnel from the Pre-Release Center is used to remove snow from the defined Downtown area.
5. Downtown Snow Removal Operations is scheduled at night from 9 PM to 6 AM for Second Street from north-side of Temple Street to Lincoln Street, Academy Street from Railroad Tracks to Water Street, Union Street from Railroad Tracks to Water Street, Central Street from Railroad Tracks to Water Street, Winthrop Street from Railroad Tracks to Water Street, and Dummer's Lane. Any vehicle parked on the streets or sidewalks identified in this subsection that is impeding the snow removal operations, as determined by the Highway Foreman and the Police Officer on shift, will be removed by contacting the Augusta Police Department Dispatch Center and requesting the impeding vehicle be towed. A parking ticket will be issued to the vehicle to be towed. The towing of vehicles from streets and sidewalks identified in this subsection is authorized to begin at 9 PM and will cease at 6 AM.
6. Downtown Snow Removal Operations is scheduled at night from 11 PM to 6 AM for Water Street from the north side of Temple Street to the Railroad Overpass, City Hall

municipal parking lot and the Central Street municipal parking lot. Any vehicle parked on Water Street or the sidewalks of Water Street and the municipal parking lots identified in this subsection that is impeding the snow removal operations, as determined by the Highway Foreman and the Police Officer on shift, will be removed by contacting the Augusta Police Department Dispatch Center and requesting the impeding vehicle be towed. A parking ticket will be issued to the vehicle to be towed. The towing of vehicles from Water Street, sidewalks on Water Street and municipal parking lots identified in this subsection is authorized to begin at 11 PM and will cease at 6 AM.

7. Downtown Snow Removal Operations is scheduled for the morning following the night snow removal operations, from 6 AM to Noon, for the municipal parking lot off Perley's Lane, Perley's Lane sidewalk and Perley's Lane. Any vehicle parked in the municipal parking lot, Perley's Lane sidewalk, or Perley's Lane identified in this Subsection that is impeding the snow removal operations, as determined by the Highway Foreman and Police Officer on shift, will be removed by contacting the Augusta Police Department Dispatch Center and requesting the impeding vehicle be towed. A parking ticket will be issued to the vehicle to be towed. The towing of vehicles from the parking lot, sidewalk and street identified in this subsection is authorized to begin at 6 AM and will cease at Noon.
8. Notification of Downtown Snow Removal Operations will occur as follows:
 - A. Twenty-four (24) to Thirty-six (36) hours prior to the start of the Downtown Snow Removal operation, each Downtown Snow Removal Operation street block will have four (4) signs posted on each side of the street identifying the date and time of the snow removal operation. The municipal parking lots will be posted with a minimum of four (4) signs to a maximum of ten (10) signs with the date and time of the snow removal operation.
 - B. At least one (1) TV station is to be notified of the snow removal operation parking ban, Whether the ban is announced on the TV station is the decision of the TV station.

[Derivation: Ordinance No.: 03-04, Effective March 21, 2003]

SUBCHAPTER V - BUILDINGS AND STRUCTURES

SECTION 4-501 BUILDING AND ENERGY CODE

The Building Code of the City of Hallowell, pursuant to 10 M.R.S.A. §9724(1-A), consists of the Maine Uniform Building and Energy Code (MUBEC). The text of the adopted code includes the pertinent elements of the 2009 International Building Code (IBC), 2009 International Residential Code (IRC), 2009 International Existing Building Code (IEBC), the 2006 and 2009 International Energy Conservation Code (IECC), each with the same exceptions and modifications as adopted on October 11, 2010 by the Building Codes and Standards Board within the State of Maine Department of Public Safety.

The complete text of the adopted code is on file at City Hall for public use, inspection and examination.

[Derivation: Section 6-1, 1973 Revised Code of Ordinances as amended 2/12/96; Ordinance No. 06-03, Effective June 22, 2006; Ord. No. 12-03, Eff. 2/23/2012]

SECTION 4-502 ADMINISTRATION, ENFORCEMENT AND APPEALS

1. General. The City of Hallowell Code Enforcement Officer is hereby authorized and directed to enforce the provisions of these codes. The Code Enforcement Officer shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of the provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of the codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the codes.
2. Violation Penalties. The civil penalties for violating any and each provision of said three Codes shall be as provided for in 30-A M.R.S.A. 4452 and as hereafter amended.
3. Permit Fees. The fees for permits required by said three Codes shall be as provided for in Chapter 9, Section 9-183 and as hereafter amended.
4. Appeal. Any person aggrieved by a decision of the Code Enforcement Officer shall have the right to appeal the decision of the Code Enforcement Officer to the Superior Court pursuant to Rule 80(8) of the Maine Rules of Civil Procedure.

[Derivation: Ordinance No. 97-6, Effective October 24, 1997; Ordinance No. 06-03, Effective June 22, 2006]

SECTION 4-503 CONFLICTING AND INCONSISTENT PROVISIONS

1. To the extent any provisions of the Codes that make up the City of Hallowell Building Code as set forth in Section 4-501 are inconsistent within and between said Codes

and/or with any provision of the laws of the State of Maine or the United States, the rules and regulations adopted by a State or Federal Agency; the State and Federal law and the State and Federal Rules and Regulations shall prevail if they preempt municipal authority and for all other inconsistencies and conflicts, the most restrictive of the conflicting or inconsistent provisions shall prevail. To the extent any provision of the said Codes that make up the City of Hallowell Building Code set forth in Section 4-501 are inconsistent or conflict with the City of Hallowell Water District Rules and Regulations, the Water District's Rules and Regulations shall prevail. To the extent any provision of said Codes that make up the City of Hallowell Building Code set forth in Section 4-501 are inconsistent or conflict with any other provisions of the Revised Code of Ordinances, City of Hallowell (1997) and as amended, the most restrictive of the conflicting or inconsistent provision shall prevail.

2. To the extent that provisions of the City of Hallowell Building Code set forth in Section 4-501 conflict with the following provisions of law, those provisions of the City of Hallowell Building Code set forth in Section 4-501 are not applicable and may not be enforced.
 - A. Fire safety codes and standards. Fire safety codes and standards adopted pursuant to Title 25, sections 2452 and 2465;
 - B. Electrical standards. Electrical standards adopted pursuant to Title 32, section 1153-A;
 - C. Plumbing code. The plumbing code adopted pursuant to Title 32, section 3403-B;
 - D. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards adopted pursuant to Title 32, section 18123 Subsection 2;
 - E. Propane and natural gas equipment standards. Propane and natural gas equipment standards adopted pursuant to Title 32, section 18123 Subsection 2;
 - F. Boiler and pressure vessel standards. Boiler and pressure vessel standards adopted pursuant to Title 32, section 15104-A; and
 - G. Elevator standards. Elevator standards adopted pursuant to Title 32, section 15228.

[Derivation: Ordinance No. 97-6, Effective October 24, 1997; Ordinance No. 06-03, Effective June 22, 2006; Ord. No. 12-03, Eff. 2/23/2012]

SECTION 4-504 (Reserved)

SECTION 4-505 RIGHT OF ENTRY

The Code Enforcement Officer and all other inspectors required under this Code, in the discharge of their official duties, and upon prior notice and proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

[Derivation: Section 6-5, 1973 Revised Code of Ordinances]

SECTION 4-506 APPLICATION FOR PERMIT

The application for the permit required under Section 111.1 of the building code shall be in writing, shall be made to the Code Enforcement Officer in such form as he shall prescribe and shall include a description of the proposed work together with appropriate plans or drawings drawn to scale. Plans or scale drawings may be omitted as direction of the Code Enforcement Officer. After issuance of the permit, a copy of the application shall be filed with the Board of Assessors.

The application shall be filed with the Code Enforcement Officer not less than thirty (30) calendar days before the proposed start of construction, except on emergency at discretion of Code Enforcement Officer, but in no case may construction be scheduled to start or in fact be started before the permit is issued.

For new and relocated buildings and structures the application shall include a plot plan, drawn to a scale not smaller than 20 feet to the inch, showing property and street lines, location of other buildings where pertinent, finished grades, driveways, parking space, water and sewer connections, or water supply, septic tank and disposal field, as applicable.

Each application shall be accompanied by a statement from the Hallowell Water District approving the water and sewer connections, or where the proposed construction is located outside the Hallowell Water District Service Area a statement from the plumbing inspector that the proposed sewage disposal system is in accordance with State Requirements.

All plans required under this section shall bear the stamp or seal of a registered architect in accordance with 32 M.R.S.A. § 208 or the stamp or seal of a registered engineer in accordance with 32 M.R.S.A. § 1355. Excluded from this requirement are the following:

1. Any project having an estimated cost of \$1,500 or less;
2. Any building or enlargement or alteration thereof intended for occupancy by the person making the drawings or any person, association or corporation regularly employing him;
3. Any building or enlargement or alteration thereof which is to be used for farm purposes;
4. Any single family residence of any size which is to be used by such person as his home; and

5. Any remodeling or alteration of existing buildings not involving structural changes.

[Derivation: Section 6-6, 1973 Revised Code of Ordinances as amended 4/13/87]

SECTION 4-507 PERMIT

1. Any building permit shall be void unless work thereunder is commenced within one year of issuance.
2. Every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled street and shall not be removed until the work covered by the permit has been approved.
3. A building permit shall be conditioned upon compliance with all representations, plans, drawings, sketches, and similar materials that were part of applications submitted to, and approved by, the Code Enforcement Officer or the Planning Board, and all conditions imposed pursuant to this Chapter and Chapter 9.

[Derivation: Section 6-7, 1973 Revised Code of Ordinances]

SECTION 4-508 (Reserved)

SECTION 4-509 DWELLINGS

1. Minimum floor area. No dwelling shall be constructed having an area of less than 600 square feet of living space on the ground floor. "Living Space" shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.
2. Exterior finish. All exterior walls of a dwelling shall be finished with a covering of clapboards, wood siding, wood or asbestos shingles, masonry, brick or stone or other approved material. Such covering shall be completed not later than 90 days after the outside studding is in place. Tared paper, tared felt or similar material shall not be used unless completely hidden from view by the finished exterior wall covering.
3. Electrical installation. Each dwelling shall have an electrical service entrance of not less than 100 ampere capacity. All electrical entrance work shall be done by a licensed electrician. No electric wiring shall be covered or concealed until inspected and permission to conceal has been given by the Code Enforcement Officer or assistant Code Enforcement Officer. All electrical work shall be installed in accordance with the National Electrical Code.
4. Plumbing. All plumbing, and the sewerage disposal system, if required, shall be in strict conformity with state statute and rules promulgated by the Maine Department of Human Services.

5. Sewage disposal. Each dwelling shall be connected to the public sewer system if within 300 feet of the nearest sewer line. If not so situated, and not so connected, a private sewer system, approved by the State, shall be provided. All existing dwellings within 300 feet of an existing sewer line shall connect to said sewer line when separate septic system becomes defunct.
6. Water supply. Each dwelling shall be connected to the public water system within 300 feet of the nearest water main. If not so situated, and not so connected, a private water supply system, approved by the State, shall be provided.
7. Sanitary fixtures. Each dwelling shall be provided with not less than one toilet, one bathtub or shower, one lavatory and one kitchen sink, all of approved type, with hot and cold water piped to appropriate fixtures and in accordance with the State Plumbing Code.

[Derivation: Section 6-9, 1973 Revised Code of Ordinances as amended]

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SUBCHAPTER VI - PUBLIC NUISANCES AND MISCELLANEOUS OFFENSES

SECTIONS 4-601 - 4-605 (Reserved)

SECTION 4-606 DEAD AND DISEASED TREES

It is hereby declared to be against the public interest for any person owning or occupying land within the City to do the following:

1. Maintain on such land any dead or diseased tree.
2. Failure to remove diseased, dead or dying trees or parts thereof growing on such land.

The municipal officers of the City are hereby authorized to enter upon any land within the City for the purpose of detecting diseased trees and carrying out control measures.

If any diseased, dead or dying tree is found within the City or if parts of trees are found then both the owner and the occupant of the land, shall be requested to remove and destroy such diseased, dead or dying trees or wood.

In the event that the requested action listed above is not taken within thirty (30) days after notice, the municipal officers are hereby authorized to enter, remove and destroy the diseased, dead or dying trees or wood.

In case where failure to act immediately would result in extreme danger to other trees, the municipal officers are authorized to remove and destroy the diseased, dead or dying trees or wood immediately.

The wood shall be destroyed by burning.

This section shall not apply to dead trees that are not diseased and are not visible from public ways or public property.

[Derivation: Section 15-1, 1973 Revised Code of Ordinances as amended 1/9/88]

SECTION 4-607 (Reserved)

SECTION 4-608 DANGEROUS EXCAVATIONS UNLAWFUL; NOTICE TO ABATE; PENALTY

The existence of any lot or parcel of land within the City or any open or uncovered well, cistern, cellar, quarry, dangerous hole or excavation injurious or prejudicial to the public safety, comfort, health and welfare, shall be unlawful and any person owning or having possession, charge or control of said lot or parcel of land shall abate such condition within ten (10) days after having been given written notice to do so by the Chief of Police. Each

day that such condition remains after the expiration of said notice shall be a separate offense and fined by Section 1-109 of this Code.

[Derivation: Section 15-8, 1973 Revised Code of Ordinances]

SECTION 4-609 DISCHARGE, CARRYING OF FIREARMS REGULATED

No person shall discharge any firearms within any part of the City that is east of the easterly right of way of the Maine Turnpike without permission from the Chief of Police except in self-defense, in execution of the laws or for the destruction of some dangerous animal.

It shall be unlawful for any person other than a police officer or person acting in self-defense, to carry any loaded firearm within one hundred and fifty (150) yards of any residence or any commercial building situated within any part of the City that is east of the easterly right of way of the Maine Turnpike.

It shall be unlawful for any person, other than a police officer or person acting in self-defense, to discharge a firearm on property owned or leased by the City without the prior written approval of the Chief of Police for purposes which are beneficial to the City or the general public or which are ceremonial in nature.

[Derivation: Section 15-10, 1973 Revised Code of Ordinances as amended 2/8/93 and as amended 11/12/96]

SECTION 4-610 USE OF FIREARMS RESTRICTED IN VICINITY OF RECREATION AREA, PENALTY

The discharge of firearms is prohibited at all times from the first day of June to the last day of September in the area westerly of the Town Farm Road to the Hallowell-Manchester City Line, bounded northerly by Winthrop Street and southerly by Central Street.

Exception may be made if a permit is issued by the Chief of Police or the Police Sergeant.

Any person violating this section shall be punished as provided in Section 1-109 of this Code.

[Derivation: Section 15-15, 1973 Revised Code of Ordinances]

SECTION 4-611 SHOOTING OF BOWS, PROJECTILE INSTRUMENTS REGULATED

A. No person shall shoot a bow and arrow or any other projectile within any part of the City that is east of the easterly right of way of the Maine Turnpike, except within the following areas:

1. Northerly by the corporate boundary of the City, Easterly by the northerly line extension of the centerline of Pleasant Street and by said centerline of Pleasant Street, Southerly by the centerline of Winthrop Street, and Westerly

by the easterly right-of-way line of Maine Turnpike;

2. Northerly by the centerline of Central Street, Easterly by the centerline of High Street, the centerline of Academy Street and the centerline of Middle Street, Southerly by the centerline of Litchfield Road, and Westerly by the easterly right-of-way of Maine Turnpike;
3. Lots 1, 2, and 3 on City of Hallowell Tax Map 13; and
4. Lot 23 on City of Hallowell Tax Map 4, without first acquiring permission to do so from the Chief of Police.

- B. All persons who shall shoot a bow and arrow or any other projectile within any part of the City must comply with all applicable State Laws.

[Derivation: Section 15-11, 1973 Revised Code of Ordinances as amended 11/12/96; Ordinance No. 06-08, Effective August 17, 2006]

SECTION 4-612 THROWING SUBSTANCES AT DWELLINGS

No person shall throw any dirt, stones, bricks, snowballs or any other substance against any dwelling house or other private or public building, with intention to injure the same, or to disturb the inmates thereof, nor shall any person be present, aiding and abetting the same.

[Derivation: Section 15-13, 1973 Revised Code of Ordinances]

SECTION 4-613 PERMISSION REQUIRED PRIOR TO PLAYING BALL IN STREETS, ENCLOSURES OF PUBLIC BUILDINGS

No person shall play at the game of ball or throw any missiles in any public street or enclosure of any public building without first acquiring permission to do so from the Chief of Police.

[Derivation: Section 15-12, 1973 Revised Code of Ordinances]

SECTION 4-614 PROWLING, PEEPING PROHIBITED

No person shall harass or disturb the occupants of any dwelling house by maliciously or mischievously prowling around such building or peeping into the same.

[Derivation: Section 15-14, 1973 Revised Code of Ordinances]

SECTION 4-615 (Reserved)

SECTION 4-616 LOUD, UNUSUAL NOISE IN STREETS PROHIBITED

No person shall in any street, sidewalk or public place, willfully or mischievously make any loud or unusual noise, either by the voice, the discharge of firecrackers, pistols, guns or other firearms or by the beating of drums, sounding of trumpets or other means or squealing of tires or singing loud, improper or boisterous songs, or in any manner conduct noisily so as to disturb the quiet and good order of the City.

[Derivation: Section 15-5, 1973 Revised Code of Ordinances]

SECTION 4-617 PERMIT REQUIRED TO OPERATE SOUND TRUCK, MUNICIPAL OFFICERS TO ISSUE

It shall be unlawful to operate a sound truck in the City limits without first obtaining a permit. Such permit shall be issued by the Mayor or City Manager, with the approval of the City Council.

[Derivation: Section 15-7, 1973 Revised Code of Ordinances]

SECTION 4-618 (Reserved)

SECTION 4-619 AFFIXING BILLS, ADVERTISEMENTS TO POLES, TREES

No person shall place bills or other advertising matter on any pole or tree within the right of way of any street in the City.

[Derivation: Section 15-4, 1973 Revised Code of Ordinances]

SECTION 4-620 HYDRO BLASTING

The City Council finds that hydro blasting adjacent to or near a public way or sidewalk constitutes a hazard to pedestrians and motorists because of flying grit and debris and constitutes a hazard to public health because of the volumes of dust created. In order to protect the public health and safety no hydro blasting shall be permitted without first obtaining a permit therefor hydro blasting is prohibited.

1. No person, owner, occupant or contractor shall hydro blast any structure in the City without first obtaining a building permit therefor.
2. No hydro blasting shall be permitted within one hundred (100) feet of a public way or sidewalk except behind a protective cover over the structure or part thereof being hydro blasted. Protective covers shall be of non-flammable material and of sufficient strength and texture to prevent the escape of debris, dust and other particles onto or over public ways and sidewalks.
3. The City Manager shall have the authority to temporarily block off all or part of a public way or sidewalk in instances where a building is so close to a public way or

sidewalk that there is insufficient room to erect a protective covering around a building without encroaching upon a public way or sidewalk.

[Derivation: Section 6-11, 1973 Revised Code of Ordinances as amended 9/12/77]

SECTION 4-621 PROHIBITION OF CERTAIN SEXUALLY ORIENTED ACTIVITIES

1. No person may administer or apply any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction, massage, or manipulation of the external parts of the human body with the hands or other parts of such person or with the aid of any instrument or device, if such person, who performs such activity or service for consideration or gratuity or with the expectation of receiving consideration or any gratuity, and:
 - A. performs such activity or service to an individual whose genitals are exposed or to the genitals or anus of an individual; or
 - B. performs such activity while such person's genitals, pubic hair, buttocks, perineum, or areola is exposed; or
 - C. performs such activity or service at, from, or through an "adult business establishment" as defined at Section 9-151(3) of this Code.
2. Any person who performs such activity or service described in Subsection 1 of this Section, and any person who owns or operates any establishment, facility, or vehicle at or in which such activity or service is performed, shall be guilty of a civil violation and be liable for the civil penalties proscribed in Section 1-109. The minimum civil penalty for the second adjudicated violation of this Subsection and for each violation of this Subsection thereafter by the same person shall be \$200 and the maximum civil penalty shall be \$1,000.

[Derivation: Chapter 15, 1973 Revised Code of Ordinances as amended 12/11/95; amended Ord. No. 97-5, Eff. 6/11/97]

SECTION 4-622 OCCASIONAL SALES ON RESIDENTIAL PROPERTY

No person may offer goods for sale to the public on property used for residential purposes in the manner of a "yard sale," "lawn sale," "garage sale" or any other similar type of sale where all goods for sale are displayed on the premises, except as follows:

1. Such sales must not occur more often than three (3) times in any calendar year, and each such sale must be between sunrise and sunset during a period of not longer than three (3) consecutive calendar days; and
2. No such sales may occur within thirty (30) consecutive days of each other; and

3. No goods or tangible property may be placed or displayed on any part of a City street or right of way; and
4. All such sales of goods must qualify as “casual sales” as defined under 36 M.R.S.A. §1752(1-D) of the Maine Sales and Use Tax Law.
5. All goods displayed and items used in the conduct of such a sale must be removed from the outside of any structure on the residential property within 24 hours after the conclusion of the sale.

Failure to comply with the provisions of this Section shall be a civil violation. The City Code Enforcement Officer or any law enforcement officer, upon finding a violation of this Section, shall personally notify the person conducting the sale or the owner of the property of the provisions of this Section and shall order such person to cease all sales and other operations and remove all goods from public view. Each violation of this Section is subject to a civil penalty of \$250.00 and injunctive relief. A separate violation is committed on each day during, or on, which a violation occurs or continues.

[Derivation: Ord. No. 02-06, Eff. 7/29/02]

SUBCHAPTER VII

(Reserved)

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SUBCHAPTER VIII - ANIMAL CONTROL

DIVISION A - GENERAL

SECTION 4-801 **NUISANCE TO KEEP LIVESTOCK, DOMESTIC OR WILD ANIMALS IN COMPACT AREA, NOTICE TO ABATE, PENALTY**

No livestock or domestic or wild animals shall be kept within the compact or built-up area of the City in such a manner as to constitute a public nuisance.

On complaint, the Chief of Police or health officer may give notice to any person so keeping livestock, domestic or wild animals to abate the nuisance, and upon his failure to comply therewith and upon conviction, such person shall be fined in accordance with Section 1-109 of this Code.

[Derivation: Section 4-1, 1973 Revised Code of Ordinances]

SECTIONS 4-802 - 4-812 (Reserved)

DIVISION B - DOGS

SECTION 4-821 **CHIEF OF POLICE TO APPOINT DOG OFFICERS**

The Chief of Police, with the approval of the City Manager, shall appoint one or more dog officers and such officers may be regular police officers.

[Derivation: Section 4-13, 1973 Revised Code of Ordinances]

SECTION 4-822 **DOGS REQUIRED TO BE LICENSED**

No dog shall be kept within the City limits of Hallowell unless such dog shall have been licensed by its owner in accordance with 7 M.R.S.A. § 3451 as amended.

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

[Derivation: Section 4-14, 1973 Revised Code of Ordinances]

SECTION 4-823 **AUTHORITY TO TAKE UNLICENSED DOGS TO VETERINARIAN, SHELTER, DISPOSITION**

Any dog not licensed in accordance with Section 4-822 and found within the City shall be taken by a police officer or constable to a licensed veterinarian, humane society or shelter and kept there for a maximum period of fourteen (14) days.

The owner of such dog may, within such period, claim the dog upon payment of two dollars (\$2.00) a day for the time such dog was retained plus a fee of five dollars (\$5.00).

If a dog is not claimed, the veterinarian or shelter at the end of the fourteen (14) day period may give away, sell or otherwise humanely dispose of such dog.

[Derivation: Section 4-15, 1973 Revised Code of Ordinances]

SECTION 4-824 DOGS NOT TO CREATE NUISANCE, IMPOUNDMENT, DISPOSITION

Any licensed dog found upon any public way within the City, which after written notice from the Police Department to its owner or keeper chases motor vehicles, does damage to persons or property, or constitutes a public nuisance shall be taken by a police officer or constable to a licensed veterinarian, humane society or shelter, there retained and disposed of as provided for in Section 4-823.

[Derivation: Section 4-16, 1973 Revised Code of Ordinances]

SECTION 4-825 NOISE, DISTURBANCE PROHIBITED, COMPLAINT, NOTICE TO ABATE

No owner or person having custody of any dog kept within the City limits shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking or making other loud or unusual noises.

Upon written complaint, signed and sworn to, the Chief of Police shall investigate and may give notice to the owner or keeper of such dog that such annoyance or disturbance must cease.

Thereafter upon continuance of such annoyance or disturbance, such owner or keeper shall be subject to the penalty provisions of Section 1-109 of this Code, and such dog shall be taken by a police officer or constable to a licensed veterinarian, humane society or shelter and there retained and disposed of as provided for in Section 4-823.

[Derivation: Section 4-17, 1973 Revised Code of Ordinances]

SECTION 4-826 (Reserved)

SUBCHAPTER IX – ADDRESSING SYSTEM TO DETERMINE PHYSICAL LOCATION AND ENHANCE EMERGENCY RESPONSE

SECTION 4-901 PURPOSE

The purpose of this Subchapter is to enhance the easy and rapid relocation of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Hallowell.

SECTION 4-902 AUTHORITY

This Subchapter is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

SECTION 4-903 ADMINISTRATION

This Subchapter shall be administered by the City Council, which is authorized to and shall assign by order road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 5-304 and 5-305. The Mayor may select and appoint an Addressing Committee, of not more than 8 persons, to assist the City Council in the administration of this Subchapter. The City Manager shall be responsible for maintaining the following official records of this Subchapter:

1. A town map for official use showing road names and numbers.
2. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
3. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

SECTION 4-904 NAMING SYSTEM

1. All roads that serve two or more properties shall be named. A road that serves only one property may be named, provided that such “property” contains at least one multi-family dwelling and is within an existing or proposed subdivision, and provided that the multi-family dwelling does not front and / or relate to another existing or proposed road. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the city shall not constitute or imply acceptance of the road as a public way.

2. The following criteria shall govern the naming system:
 - A. No two roads shall be given the same name (e.g. no Pine Road and Pine Lane).
 - B. No two roads should have similar-sounding names (e.g. no Beech Street and Peach Street)
 - C. Each road shall have the same name throughout its entire length.
3. In accordance with Section 4-907.2, the City Council will assign a road name to a street in a new subdivision only after the street has been constructed.
4. Any road may be named when there is no, or only one, structure when it is deemed necessary by the City Council to enhance response of emergency responders.

[Derivation: Ordinance No.: 05-07, Effective November 18, 2005]

SECTION 4-905 NUMBERING SYSTEM

1. Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.
2. The following criteria shall govern the numbering system:
 - A. All number origins on minor streets shall begin at the end that is nearest by road to a collector street or major street (as defined in Section 6-233). In the event that both ends of a road intersect a collector street or major street, (including state highway), numbering shall run east to west, or north to south, as applicable.
 - B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
 - C. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy, For example, duplexes will have two separate numbers.
 - D. Apartments will have one property number followed by an apartment number, (such as 235 Maple Street, Apt 2).

SECTION 4-906 COMPLIANCE

All owners of structures shall, by the date stated in Section 4-908, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

1. Number on the Structure. Where the structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
2. Number at the Street Line. Where the structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
3. Size and Color of Number. Numbers shall be a minimum of four (4) inches high and be of a contrasting color to its background.
4. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Subchapter.
5. Interior Location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

SECTION 4-907 NEW DEVELOPMENTS AND SUBDIVISIONS

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Subchapter and as follows:

1. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Town Manager or Code Enforcement Officer. This shall be done at the time of issuance of the building permit.
2. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after approval by the City Council, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

SECTION 4-908 EFFECTIVE DATE

The date of effective use of the naming and numbering system established by the City Council shall be on or after January 1, 1999. The City Manager shall notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

SECTION 4-909 ENFORCEMENT (Reserved)

[Derivation: Ordinance No. 98-2, effective July 23, 1998]

EMERGENCY MANAGEMENT ORDINANCE

SECTION 4-910 **PURPOSE**

It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the City's facilities and resources to combat disaster as defined herein.

SECTION 4-911 **DEFINITIONS**

The following definitions shall apply in the interpretation of this ordinance:

1. **Emergency Management Agency.** "Emergency Management Agency" means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.
2. **Emergency Management Agency Forces.** "Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.
3. **Director.** "Director" means the director of the City of Hallowell's Emergency Management Agency, appointed as prescribed in this ordinance.
4. **Disaster.** "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

SECTION 4-912 **ORGANIZATION**

The City Manager shall be responsible for the agency's organization, administration and operation. The City Manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.

The City Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the City's Emergency Operations Plan.

SECTION 4-913 APPOINTMENT OF DIRECTOR; DUTIES AND RESPONSIBILITIES

The Mayor shall appoint an Emergency Management Director, who shall coordinate the activities of all City departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the City Manager.

SECTION 4-914 RULES AND REGULATIONS

The Emergency Management Director shall prepare, under the direction of the City Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the City Council prior to becoming effective.

SECTION 4-915 EMERGENCY PROCLAMATION

The City Manager shall have the power and authority, after consultation with the Mayor, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the city. If the City Manager is temporarily absent from the city or otherwise unavailable, the Mayor may serve and perform the duties of the City Manager for a period not to exceed 7 calendar days as outlined in ARTICLE III, Section 5 of the City Charter. If neither the City Manager nor the person designated to act in the City Manager's absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Police Chief, the Fire Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the city clerk.

Notwithstanding the above, when consultation with the Mayor would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the city. The City Manager and the Emergency Management Director shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

SECTION 4-916 TERMINATION OF EMERGENCY

When the City Manager or his successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another

proclamation affecting the sections of the City covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the city clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the City Council.

SECTION 4-917 CITY MANAGER'S DUTIES AND EMERGENCY POWERS

During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations as he deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the city;
2. Regulations facilitating or restricting the movement of persons within the city;
3. Regulations pertaining to the movement of persons from hazardous areas within the city;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, city ordinance or the charter of the City of Hallowell.

The City Manager or his designee may order the evacuation of persons from hazardous areas within the city.

The City Manager or his designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A.

The City Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

SECTION 4-918 EMERGENCY OPERATIONS PLAN

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the city, which shall be submitted to the City Council for approval. The EOP shall incorporate the principals of the National Incident Management System (NIMS) and the Incident Command System (ICS).

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The city plan shall be reviewed periodically by the City Manager in conjunction with all the city department heads and the Emergency Management Director.

SECTION 4-919 IMMUNITY FROM LIABILITY

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

SECTION 4-920 COMPENSATION FOR INJURIES

All Emergency Management Agency Forces shall be deemed to be employees of the state when engaged in training or on duty and shall have all of the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

SECTION 4-921 VIOLATION OF REGULATIONS

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

SECTION 4-922 PENALTY

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and the costs of prosecution.

SECTION 4-923 SEVERABILITY

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

SECTION 4-924 CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS
SUSPENDED

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

[Derivation: Ord. No. 07-10; effective 10/19/2007]