

**CHAPTER 5**

**HEALTH AND SANITATION**

**SUBCHAPTER I - IN GENERAL**

**SECTIONS 5-101 THROUGH 5-102** (Reserved)

**SECTION 5-103**      CHIEF OF POLICE, HEALTH OFFICER TO ENFORCE

It shall be the duty of the Chief of Police or the health officer to cause the enforcement of the provisions of this Code relating to health and to prosecute any and all persons violating such provisions.

[Derivation: Section 11-3, 1973 Revised Code of Ordinances]

**SECTION 5-104**      (Reserved)

**SECTION 5-105**      HEALTH OFFICER TO BE APPOINTED; NOTICE OF APPOINTMENT

In accordance with the charter, the City Manager shall appoint a health officer, with the advice and consent of the Mayor and City Council.

The City Clerk shall notify the State Department of Human Services of the same, address and term of appointment of the person appointed health officer.

[Derivation: Section 11-5, 1973 Revised Code of Ordinances]

**SECTION 5-106**      (Reserved)

**SECTION 5-107**      (Reserved)

**SECTION 5-108**      (Reserved)

**SECTION 5-109**      HEALTH OFFICER'S DUTIES GENERALLY

The health officer shall perform those duties ascribed to him by state statute and by this Code.

[Derivation: Section 11-9, 1973 Revised Code of Ordinances]

**SECTION 5-110**      (Reserved)

**SECTION 5-111**      HEALTH OFFICER'S DUTIES ON COMPLAINTS

The Health officer shall:

1.      Receive and examine into the nature of complaints and make inspections of nuisances dangerous to life and health, and order the suppression of the same. Among such conditions, but without being limited to such, he shall suppress dangerous health conditions arising out of sewers and drains, including private sewerage systems, plumbing and toilet facilities, dumps, the containing and disposal of garbage, refuse and rubbish, and presence of rodents.
2.      Act on complaints and make inspections for health conditions in eating establishments and places of public gathering, such inspection to be at least three (3) times a year.
3.      Cooperate with the state department in the inspection of milk under the state statutes.
4.      Inspect promptly all premises for which a victualer's license is applied for and certify to the City Clerk that state and City health laws are complied with or promptly advise the City Clerk of his refusal to so certify.
5.      Make and keep a record of all inspections and proceedings of his office.

[Derivation: Section 11-11, 1973 Revised Code of Ordinances]

**SECTION 5-112**      HEALTH OFFICER'S AUTHORITY TO ORDER CLEANING OF PRIVATE PREMISES; CLEANING BY CITY

When any source of filth or other cause of sickness is found on private property, in accordance with the state statutes, the owner or occupant thereof shall, within twenty-four (24) hours after notice from the health officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits an amount subject to 1-109 of this code; and the officer shall cause the nuisance to be removed or discontinued; and all expenses shall thereof shall be repaid to the City by such occupant or owner, or by the person who caused or permitted it.

[Derivation: Section 11-12, 1973 Revised Code of Ordinances]

**SECTIONS 5-113 through 5-116**      (Reserved)

**SECTION 5-117**      ACCUMULATION OF OFFENSIVE REFUSE

The collection of refuse matter in or around the immediate vicinity of and dwelling or place of business, such as swill, waste meat, fish and shells, bones, decaying vegetables, dead carcasses, excrement or any kind of offal that may decompose or generate bacteria or unhealthy gasses shall be considered a nuisance and shall be disposed of in such manner

as to not be offensive, which excludes burning.

[Derivation: Section 11-17, 1973 Revised Code of Ordinances]

**SECTION 5-118**      EXPECTORATING RESTRICTED

No person shall expectorate on any public sidewalk, street or crosswalk or upon the floor of any building.

[Derivation: Section 11-18, 1973 Revised Code of Ordinances]

**SECTION 5-119**      CANINE FECES ON OR NEAR PUBLIC PROPERTY OR NEAR DWELLINGS PROHIBITED

1. No person who owns, possesses or controls a dog shall fail to remove and appropriately dispose of any feces left by that person's dog:
  - A. On any street, sidewalk, or other publicly owned property; or
  - B. Within twenty five feet of any publicly owned property or private dwelling, except on property owned or occupied by that person as a dwelling.
2. No person who owns, possesses or controls a dog shall appear with that dog on any street, sidewalk or publicly owned place without carrying a tool, implement, or other device for the purpose of picking up and containing feces left by that dog.
3. A violation of this Section shall be punishable by a civil penalty of not less than \$50.00, and as provided under Section 1-109.
4. This Section may be enforced by the Health Officer, Code Enforcement Officer, Animal Control Officer or any Police Officer.
5. This Section shall not be applicable to a handicapped person, who is physically unable to comply with the requirements of this Section.

[Derivation: Section 11-18, 1973 Revised Code of Ordinances as adopted 10/7/96]

[Derivation: Ord. No. 09-03, effective 4/23/2009]

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**SUBCHAPTER II**

(Reserved)

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**SUBCHAPTER III - DWELLINGS & STRUCTURES**

**DIVISION A - IN GENERAL**

**SECTION 5-301      DEFINITIONS**

The following definitions shall apply unless the context clearly indicates another meaning or unless otherwise expressly stated for a specific application:

Dwelling shall mean a building occupied either wholly or in part for residence purposes. It may include one (1) or more dwelling units.

Dwelling unit shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Habitable room shall mean a room or enclosed floor space arranged for living, eating or sleeping purposes not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

[Derivation: Section 11-54, 1973 Revised Code of Ordinances]

**SECTION 5-302      DWELLING OWNER'S DUTIES IN GENERAL**

1. Every dwelling and all parts thereof shall be kept by owner or lessee in good repair and structurally sound so that such dwelling is in a condition fit for human habitation.
2. The following requirements shall be complied with:
  - A. The roof shall be maintained so as not to leak, and all water shall be so drained and conveyed therefrom so as not to cause repeatedly wet floors, walls, or ceilings, or nuisances to adjacent buildings, or to overflow on abutting property.
  - B. All foundations, basements, cellars, steps, floors, stairwells, doors, porches, windows, skylights, air shafts, mantels, chimneys, electric wiring and fixtures, plumbing, sewer systems, toilets, sinks, interior and exterior walls and ceilings, and similar parts and equipment shall be kept in good, sound, safe and useable condition.
  - C. Whenever a dwelling is vacated and before reoccupancy, it shall be the duty of the owner or agent to assure that such dwelling is in a clean, sanitary and habitable condition and free from infestation by vermin or rodents.

[Derivation: Section 11-55, 1973 Revised Code of Ordinances]

**SECTION 5-303**      OCCUPANT'S DUTIES IN GENERAL

It shall be the duty of the occupant of each premise or portion thereof over which he has control to maintain the same as follows:

1. Each dwelling or rooming unit and parts appurtenant thereto shall be maintained in a clean, safe and sanitary condition.
2. The occupant shall be responsible for the cleanliness and sanitation of all plumbing fixtures used by his household. No occupant shall deposit material in any fixture which might result in stoppage of or the drainage of the fixture. Stoppages deemed to be due to improper use or neglect shall be corrected by the occupant but nothing in this subsection shall be construed to exempt the owner or his agent from making plumbing repairs when they become necessary or when ordered to do so by the health officer or his agent.
3. All halls, passageways, and stairways shall be kept free from encumbrances or obstructions of all kinds.

[Derivation: Section 11-56, 1973 Revised Code of Ordinances]

**SECTION 5-304**      DWELLINGS TO COMPLY WITH STANDARDS

Every dwelling and every part thereof shall conform to the minimum standards set out in this article. These standards are not to be construed as those for standard housing if some other section of any City ordinance of the sanitation code of Hallowell, or if existing state law, requires a higher standard.

[Derivation: Section 11-57, 1973 Revised Code of Ordinances]

**SECTION 5-305**      NOTICE TO CORRECT DEFICIENCIES

When any structure or unit is found to be classified as substandard within the meaning of this article upon inspection by the health officer or Code Enforcement Officer or their agents, the owner, owner's agent, or occupant, or both shall be given a written notice by the health officer which shall set forth the deficiencies and a reasonable time limit for the correction of such deficiencies.

[Derivation: Section 11-58, 1973 Revised Code of Ordinances]



**SECTION 5-306**      PROHIBITED USES OF DWELLINGS IN GENERAL; SEPARATION OF UNITS REQUIRED

1.      No portion of a structure used as a dwelling may be used or open into a point shop, paint store, vulcanizing shop, dry cleaning establishment, public garage or any place where paint, varnishes, lacquers, thinners, gasoline or petroleum products are used or stored except as provided under the building code.
2.      Common walls or ceiling separating such usage from dwelling units shall have no vents or openings whereby fumes or vapors may pass into the dwelling unit.

[Derivation: Section 11-59, 1973 Revised Code of Ordinances]

**SECTION 5-307**      AUTHORITY TO DECLARE AREAS UNFIT FOR OCCUPANCY; CONDITIONS PROMPTING ORDER TO VACATE

Any building, structure, tent, vehicle, apartment, room, premises or portion thereof, used for living or sleeping purposes may be declared unfit for human occupancy by the health officer, Code Enforcement Officer or their agent and may be required to be vacated and kept vacant as long as any of the following conditions or circumstances exist therein or thereon:

1.      Unsanitary conditions which are or may become detrimental to health.
2.      The interior or exterior walls, foundation, doors, windows, floors, stairs, roof or any other portion of any building structure, tent, vehicle, apartment, room, premises or portion thereof, are so deteriorated, broken, damaged, or in such state of disrepair as to cause conditions detrimental to life, health and safety.
3.      Lack of toilet facilities whereby nuisances and health hazards are created.
4.      The plumbing, plumbing fixtures, cesspools or other waste disposal facilities are in such condition as to create a nuisance or a health hazard.
5.      Serious or dangerous overcrowding of persons in sleeping rooms or space whereby a hazard to health is created.
6.      Rodent or vermin infestation within the building which may result in contamination of food or other health hazards.
7.      No adequate water supply is available or the available supply is subject to such contamination as may cause a health hazard.
8.      An infectious or communicable disease exists therein and as a result thereof reasonable, isolation and disinfection procedures cannot be followed due to a lack of sanitary facilities or overcrowding.

[Derivation: Section 11-60, 1973 Revised Code of Ordinances]

**SECTION 5-308**      NOTICE REQUIRED PRIOR TO DECLARING UNFIT

Before any building, structure, tent, vehicle, apartment, room, premises or portion thereof, may be declared unfit for human occupancy, the health officer, Code Enforcement Officer or their agent, shall issue a notice in writing setting forth the reasons for such declaration to the occupants, or the owner, or persons having control of or any of them, requiring the building, structure, apartment, tent, room, premises or portion thereof, to be put into proper condition for habitation, or if he sees fit, requiring the occupants to quit the premises within such time as the health officer or Code Enforcement Officer may deem reasonable. A reasonable time shall be construed to mean not less than five (5) days nor more than thirty (30) days.

[Derivation: Section 11-61, 1973 Revised Code of Ordinances]

**SECTION 5-309**      NOTICE TO CORRECT, VACATE; POSTING NOTICE PROHIBITING OCCUPANCY; REMOVAL

1. In instances where the health officer or Code Enforcement Officer determines that extreme danger or menace to the occupants or public health exists, the health officer or Code Enforcement Officer may order immediate correction to be made, or if the circumstances warrant, may order immediate evacuation of the occupants.
2. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the order, the health officer or Code Enforcement Officer shall then declare the premises unfit for human habitation by issuing to the occupants and the owner, a written notice to vacate the premises within such time as the health officer, Code Enforcement Officer, or their agent may deem reasonable and a notice prohibiting continued occupancy or reoccupancy shall be conspicuously posted on the premises or portion thereof.
3. It shall be unlawful for any person to remove or deface said posted notice or sign.

[Derivation: Section 11-62, 1973 Revised Code of Ordinances]

**SECTION 5-310**      REOCCUPANCY SUBSEQUENT TO NOTICE TO VACATE

No person owning, occupying or having control of any posted building, structure, tent, vehicle, apartment, room, premises or portion thereof, which has been ordered vacated by the health officer or Code Enforcement Officer shall occupy, reoccupy, rent or permit to be rented or occupied, any such premises without the written consent of the health officer, Code Enforcement Officer or their agent, certifying that the required corrections have been made.

[Derivation: Section 11-63, 1973 Revised Code of Ordinances]

**SECTION 5-311**      ORDERS TO BE SUBMITTED TO GRANTEE PRIOR TO TRANSFER, PENALTY

1. It shall be unlawful for the owner of any building, structure, tent, vehicle, apartment, room, premises or portion thereof, against which any lawful order has been issued by the health officer or Code Enforcement Officer to sell, transfer or otherwise dispose thereof to another unless he shall first furnish to the grantee prior to transfer thereof a true copy of any order issued by the health officer, Code Enforcement Officer or their agent, and at the same time notify the health officer, Code Enforcement Officer, in writing, of the intent to transfer, either by delivering such notice to the health officer or Code Enforcement Officer and receiving a receipt therefor, or by certified or registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed.
2. In the event of any violation of the terms of this section, the grantor shall be subject to provisions of 1-109 of this code.

[Derivation: Section 11-64, 1973 Revised Code of Ordinances]

**SECTION 5-312**      CONNECTION WITH PUBLIC SEWER SYSTEM REQUIRED, EXCEPTION

All buildings with kitchen or toilet facilities shall be connected with the public sewer system if within three hundred (300) feet of the nearest sewer or if not so connected an approved septic tank system in good working order shall be provided.

[Derivation: Section 11-65, 1973 Revised Code of Ordinances]

**SECTION 5-313**      REGULATION OF SEPTIC TANKS

A septic tank system authorized by Section 5-312 of this article shall conform strictly to the Maine Subsurface Disposal System Regulations.

[Derivation: Section 11-66, 1973 Revised Code of Ordinances]

**SECTIONS 5-314 THROUGH 5-330** (Reserved)

**DIVISION B - RODENT CONTROL AND VERMIN CONTROL**

**SECTION 5-331**      DEFINITIONS

For the purpose of this division the following definitions shall apply:

1. Building shall mean any structure, whether public or private, whether vacant or occupied, that is adapted or used for dwelling occupancy, for the transaction of business for the rendering of professional service, for amusement, for the display or

sale or storage of goods, wares, merchandise, articles or equipment, for the performances of work or labor, for office buildings, public buildings, stores, theaters, markets, restaurants, warehouses, grain processing, abattoirs, workshops, garages or structures where domestic or other animals or fowl are kept, for sheds, barns, outbuildings or other structures or premises used as accessories to any such use.

2. Occupant shall mean the individual, partnership or corporation that has the use of or occupancy of any building, or a portion thereof, whether or not the actual owner or tenant.
3. Opening shall mean and refer to any opening in the foundation, sidewalls, ground or first floor, basements and roofs including chimneys, eaves, grills, windows, vents, vent pipes, ventilators, sidewalk grates, elevators and space around any pipe, wire or other installations connected with buildings through which rodents may enter.
4. Owner shall mean the actual owner of the buildings, whether individual, partnership or corporation or the agent of the building or other person having custody of the building or to whom the rent is paid.
5. Rodent-eradication shall mean the elimination or extermination of rodents within buildings by any or all of accepted measures such as poisoning, fumigation or trapping so that the buildings are completely free of rodents and there is no evidence of rodent infestation.
6. Rodent-harborage shall mean any condition which provides shelter or protection for rodents, thus favoring their multiplying and continued existence.
7. Rodent-proof or rodent-proofing shall apply to a form of construction which will prevent the ingress or egress of rats to or from a given space or building or gaining access of food, water or harborage. It consists of the closing and keeping closed, by the use of material impervious to rodents, every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or gnawing.
8. Vermin shall include noxious little animals or insects such as larvas, flies, bedbugs, roaches, fleas, lice and mites.

[Derivation: Section 11-77, 1973 Revised Code of Ordinances]

**SECTION 5-332      APPLICABILITY**

It shall be unlawful to erect, repair, alter or extend any building or structure unless such construction, repair or alteration shall render the building or structure rodent-proof in accordance with the definitions contained herein; provided that only such construction, repair or alteration as affects the rat-proof condition of any building or structure shall be considered as subject to the provisions of this division.

[Derivation: Section 11-78, 1973 Revised Code of Ordinances]

**SECTION 5-533**      PERMITTING INFESTED CONDITION AFTER NOTICE

It shall be unlawful for the owner or occupant of any premises within the City to maintain such premises in a vermin or rodent infested condition after he has notice of that condition from the health officer, Code Enforcement Officer, or their agent.

[Derivation: Section 11-79, 1973 Revised Code of Ordinances]

**SECTION 5-334**      CONDITIONS PRECEDENT TO ISSUANCE OF LICENSES TO FOOD HANDLERS

No license shall be issued for the storing, processing, preparing, manufacturing, selling or offering for sale of any food, foodstuff or food products until the health officer or his duly authorized agent, certifies that the building or structure where such operation is to be conducted is of rodent-proof construction or has been rendered rodent-proof.

[Derivation: Section 11-80, 1973 Revised Code of Ordinances]

**SECTION 5-335**      NOTICE TO ERADICATE, SERVICE

When any building, structure, or premises is found to be rodent or vermin infested, the health officer or his duly authorized representative shall issue a notice in writing to the owner or occupant, setting forth the conditions of such premises and a reasonable time limit to correct the conditions found. Such notice may require the use of necessary measures for rodent eradication deemed essential by the health officer. Notices may be served by an employee of the health department, by the police department or by certified or registered mail addressed to the person to be notified.

[Derivation: Section 11-81, 1973 Revised Code of Ordinances]

**SECTION 5-336**      AUTHORITY TO DECLARE INFESTED PREMISES UNFIT FOR OCCUPANCY

If the health officer shall find any building, structure or premises so heavily infested with vermin or rodents as to result in an actual or potential hazard to the health of the occupants or to the public health, he shall have the authority to declare the premises unfit for any occupancy or use until the vermin or rodents are eradicated.

[Derivation: Section 11-82, 1973 Revised Code of Ordinances]

**SECTION 5-337**      UNLAWFUL TO REMOVE RODENT-PROOFING, DEVICES, EXCEPTION

It shall be unlawful for the occupant, owner, contractor, public utility employee, plumber or any other person to remove, damage or destroy any part of a building or its appurtenances

intended to protect such premises against ingress of rodents or in any other way create a condition by which ingress for rodents is made possible provided that this section shall not apply where the interference with the rodent-proofing is made necessary in connection with lawful construction or repair and the rodent-proofing is promptly restored.

[Derivation: Section 11-83, 1973 Revised Code of Ordinances]

**SUBCHAPTER IV – SOLID WASTE DISPOSAL**

[Derivation: Ordinance No.: 03-19, Effective Date: November 20, 2003]

**SECTION 5-401**      DEFINITIONS

1. "Garbage," means all animal and vegetable waste and all decayable matter including waste resulting from the handling, sale, storage, preparation, cooking and consumption of food and food products. For the purpose of this Chapter, garbage shall not mean or include organic matter contained in properly maintained compost piles or covered subsurface packaged garbage decomposing units so long as no health hazard or other nuisance is created, shall not include leaves, pine needles, grass clippings, tree trimmings or similar plant materials used for fill or mulching purposes, and shall not include agricultural wastes produced by a farm or farm operation conforming with best management practices as defined in 17 M.R.S.A. §2805.
2. "Junk," means all rubbish and trash, including discarded, worn out or junked household appliances, furniture, plumbing and heating supplies; scrap and junked lumber, wood products and building materials; old or scrap metal of any kind, paper products, bedding, bricks, glass, plastic, rags, rope, batteries and other scrapped or junked manufactured items or materials, but excluding garbage. The fact that junk or any constituent thereof may have value or other use or may be sold or exchanged does not exclude it from this definition.
3. "Solid Waste Landfill," means an area used for the disposal of garbage, junk, or other solid waste, on or in land, except as provided by statute. Terms used in this definition, not defined herein, shall have the same definitions as provided in 38 M.R.S.A. §1303-C.
4. "Commercial Waste Hauler" means any person engaged in the collection, storage or transportation of solid waste and/or recyclable materials for a fee or other compensation operating within the City of Hallowell. This term does not include a person who hauls and lawfully disposes of only construction debris or clean fill.
5. "Dumpster" means an outdoor container, larger than 75 cubic feet, used for storage of solid waste or recyclable materials while awaiting collection and removal to a disposal site.
6. "Person" means any individual, firm, corporation, partnership, association or any other legal entity, or agents or contractors of any of the foregoing.
7. "Recyclable Materials" mean discarded materials that are identified by category in Section 5-407 of this Subchapter.
8. "Resident" means any person residing in or having a place of business in the City of Hallowell during all or any part of the year.

9. "Solid Waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but not including hazardous waste, biomedical waste, septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use as recyclable, or may be sold or exchanged, does not exclude it from this definition.
10. "Universal Waste" means waste that may contain hazardous amounts of toxic materials, such as mercury, lead and PCBs. Universal waste includes, but is not limited to, cathode ray tubes (computer monitors, televisions), fluorescent light bulbs, mercury-containing thermostats, non-leaking PCB lighting ballasts, mercury thermometers and certain batteries.
11. "White Goods" means large, metal appliances such as refrigerators, stoves, washing machines, clothes dryers, freezers, dishwashers, air conditioners and water heaters.
12. "Automobile Graveyard" means a yard, field, or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in 29-A M.R.S.A., section 101, subsection 42, or parts of the vehicles. "Automobile Graveyard" includes an area used for automobile dismantling, salvage and recycling operations.
13. "Automobile Recycling Business" means the business premises of a dealer or a salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage business as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.
14. "Junkyard" means a yard, field or other outside area used to store, dismantle or otherwise handle:
  - A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture;
  - B. Discarded, scrap and junked lumber: and
  - C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

**SECTION 5-402      PROHIBITION**

1. Storage. It shall be unlawful to store any garbage or junk outside of a closed structure within 300 feet of any dwelling, retail or service establishment, or public road within the City, unless such garbage or junk is stored in closed rigid containers that provide protection against animals, insects, wind and precipitation, except that:
  - A. Garbage may be stored in sealed plastic bags outside a closed structure or container for a period not to exceed forty-eight (48) hours, provided that such



garbage will be removed from the premises within said period.

- B. Any item of junk that does not fit within a standard container may be stored outside a closed structure or container for a period not to exceed seven (7) days;
  - C. Junk stored within a licensed junkyard or salvage facility may be stored within 300 feet of any structure used solely for the purpose of storing, processing, salvaging, or selling such junk, to the extent permitted by law.
  - D. Junk which is to be salvaged or repaired may be stored for a period not to exceed forty-five (45) days within 300 feet of a repair establishment.
- 2. Disposal. It shall be unlawful to operate or maintain a solid waste landfill within 300 feet of any dwelling, commercial or institutional structure, public road or water body within the City.
  - 3. Permits. No person may establish, operate, or maintain a junkyard, automobile recycling business or automobile graveyard within the City without first obtaining a nontransferable permit from the City Council pursuant to 30-A M.R.S.A. §§3751-3760 as amended.
  - 4. Illegal Waste Disposal. Solid waste and recyclable materials generated or picked up in the City shall be collected, stored, transported and disposed of in compliance with this Subchapter and all applicable state and federal laws.

**SECTION 5-403      ENFORCEMENT; REMEDIES**

- 1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Chapter as provided in 30-A M.R.S.A. §4452.
- 2. Penalties and Other Remedies. Any person, including but not limited to a landowner, the landowner's agent, or a contractor who violates the provisions of this Article is liable for the civil penalties and remedies set forth in 30-A M.R.S.A. §4452. The minimum penalty for a specific violation is One Hundred Dollars (\$100) and the maximum penalty for a specific violation is Twenty Five Hundred Dollars (\$2500). A specific violation occurs on each day a violation continues to exist after written notice of violation has been sent to the land owner. Civil penalties may be assessed on a per day basis.
- 3. Reimbursement of Costs. In addition to liability for penalties, any person violating any section of this Subchapter shall be liable to reimburse the City for all costs resulting from violation, including without limitation costs of collection and proper disposal of waste, clean-up and remediation of any contamination, and all costs of enforcement including reasonable attorney fees and court costs.
- 4. License Revocation. Any licensed commercial waste hauler that violates any section

of this Subchapter is subject to license revocation for a period determined by the City Council of up to two years. The City Council may revoke a license after notifying the hauler of the violation and providing the hauler with an opportunity for a hearing on the matter. The City Council may refuse to allow the renewal of a license that has been previously revoked except upon a demonstration that the hauler has taken measures to the City Council's satisfaction to assure that violations have been properly remedied and will not recur.

5. Inspection. In order to determine compliance with the requirements of this Subchapter, the Hallowell Police Department and other representatives of the City designated by the City Manager may inspect vehicles, equipment and other facilities of any commercial waste hauler operating in the City.

**SECTION 5-404**      AUTHORITY; PROVISIONS SUPPLEMENTARY TO STATUTE

This Chapter is enacted pursuant to 30-A M.R.S.A. §3001, §3755(5) and §4452(5) and pursuant to 38 M.R.S.A. §1310-U. The provisions contained herein are intended to be supplementary to provisions of the Maine Revised Statutes relating to public nuisances (Title 17), health hazards (Title 22), fire hazards (Title 25), junkyards (Title 30-A) and solid waste (Title 38).

[Derivation: Chapter 10, 1973 Revised Code of Ordinances as repealed and replaced 10/10/95]

**SECTION 5-405**      CITY'S NORTH BAY RECYCLING FACILITY

1. **Authorized Use.** The City currently maintains a recycling facility at the City's Public Works Garage, where residents of Hallowell may dispose of certain types of solid waste and recyclable materials. The City Council or City Manager will determine from time to time what types of solid waste and recyclable materials may be delivered to this facility, the hours and days when residents may leave these types of materials and other requirements for the use of this facility. These requirements will be posted at the facility. All persons delivering or authorizing the delivery of solid waste or recyclable materials to this facility shall comply with the date, time and other requirements posted at the facility together with the other requirements set forth in this Subchapter and any other directives issued by the City attendants at the facility.
2. **Restricted to Residents.** Use of the City's recycling facility is restricted to residents of the City. Users of the facility shall provide proof of residency, which may include a driver's license, on request of a City attendant. Commercial waste haulers may not make use of the City's recycling facility except with the City Manager's prior written authorization.
3. **Certain Wastes Expressly Prohibited.** Nothing containing hazardous waste or toxic substances may be deposited at the City's recycling facility. Only types of wastes and recyclable materials that have been expressly authorized by the City Manager or City Council may be deposited at the facility. Without limiting the

generality of the foregoing, no septic waste or sludge, liquid waste, special waste, waste oil or petroleum-derived products, animal or agricultural waste, biomedical waste, construction debris, dredge spoils, fill, asbestos, pesticides or liquid waste may be deposited at the facility. The City Council may make specific exceptions to these prohibitions when specific types of waste, as designated by the Council, may be deposited and collected.

4. **Salvage.** The City Manager may contract with any person to haul and/or dispose of materials from the City's recycling facility.
5. **Fees.** The City Council may set fees and other special requirements for the deposit of designated wastes at the City's recycling facility.
6. **Cost of Removal of Unacceptable Materials.** If any waste or other materials are deposited at the City's recycling facility in violation of this Ordinance, in addition to any civil penalty or other sanction that may be assessed, all costs associated with cleanup and proper disposal of such materials and the remediation of the site shall be reimbursed to the City by the person depositing or causing or permitting the deposit of them.
7. **Operating Costs.** The costs of operating the North Bay Recycling Facility is funded through the Municipal General Fund Budget. The Solid Waste Disposal Department budget line shall not be exceeded without approval of the City Council.

**SECTION 5-406**      WASTE CONTAINERS AND DUMPSTERS

1. **Loaded Vehicles.** No person shall operate or cause or permit to be operated upon a public way any vehicle or trailer containing solid waste, unless such waste is secured or otherwise confined so as to prevent any portion of the waste from falling or leaking to the ground.
2. **Waste containers.** Solid waste that is stored outside of a building shall be kept in receptacles that are designed and maintained to fully contain all components of the waste without leaking, attracting animals or emitting noxious odors. Clean solid waste that does not leak any components of the waste onto the ground, such as washed glass, bulky waste or white goods, need not be covered.
3. **Dumpsters.** Dumpsters require a permit from the City, which may be revoked by the Code Enforcement Officer if the dumpster is not in compliance with this Ordinance. Dumpsters shall be designed, maintained and regularly emptied so that they are secure, safe, covered and leak-proof, and so that they do not leak, attract animals or emit noxious odors. Dumpsters may not be placed within, or otherwise obstruct or impair access to any public right of way. All dumpsters for the temporary storage of household and/or commercial waste shall be screened by a 6-foot high fence or 6-foot plantings which are of a type to form an effective visual barrier. With a temporary permit issued by the City, a dumpster may be temporarily placed in any safe location on private property during construction or demolition activities or as otherwise

needed for short-term use, without the need for screening. A temporary permit shall be for 60 days, with renewals of such a permit not to aggregate more than 180 days.

[Derivation: Ord. No. 07-12; effective 10/19/2007]

**SECTION 5-407**      RECYCLING REQUIREMENTS FOR COMMERCIAL WASTE HAULERS

1.      **Categories of Recyclable Materials.**

- a.      Recyclable materials shall include the following categories, subject to change by the Council as provided in 1.b.:

Wood  
HDPE #2 Plastic  
Clear glass  
Metals, including tin, steel and aluminum  
Newsprint  
Cardboard

- b.      The City Council from time to time may review and change the foregoing categories of recyclable materials. In its review, the Council will consider the recommendations of the Solid Waste Committee, input from commercial waste haulers and other information regarding markets for recyclable materials, feasibility and other factors. If the Council intends to add to the categories of recyclable materials, it shall give all commercial waste haulers licensed under this Ordinance at least 30 days prior written notice of the proposed change and shall provide an opportunity for a public hearing before the change goes into effect. Any final decision by the Council to change the categories of recyclable materials shall be by order of the Council, a copy of which will be sent in writing to each licensed hauler.

2.      **Landlord Responsibilities.** Landlords shall provide a reasonably convenient place for their tenants to store and separate recyclable materials while awaiting collection by a commercial waste hauler.

**SECTION 5-408**      LICENSING REQUIREMENTS FOR COMMERCIAL WASTE HAULERS

1.      **License Required.** Each commercial waste hauler shall obtain an annual license from the City. The license shall be valid from July 1 to June 30 of the following year. Possession of a commercial waste hauler's license does not make the hauler an agent, employee or contractor of the City. In order to obtain a license, an applicant must:

- a.      Provide a schedule of the hauler's usual fees for collection and disposal of solid waste and recyclable materials for residential and commercial customers in the City. The hauler may set different levels of fees based upon the amount of solid waste and/or recyclable materials generated or expected

to be generated by the customer and for other special services. If, during the course of the license year the hauler changes its schedule of fees, it shall provide a copy of the new schedule to the City;

- b. Agree to comply with the terms of this Ordinance;
  - c. Provide evidence of the following: (1) general public liability insurance in the minimum amount of \$1,000,000 per occurrence; (2) Auto Liability Insurance for all vehicles to be used in connection with collection and hauling of solid waste in the minimum amount of \$400,000 per occurrence; (3) Proof of Statutory Workers Compensation Insurance and Employers Liability coverage in the minimum amount \$400,000; (4) insurance certificates naming the City of Hallowell as an additional insured and providing to the City 30 days prior written notice of policy cancellation or alteration, except to add coverage, which shall require contemporaneous notice to the City; and (5) vehicle registration information for each vehicle to be used for collecting or hauling solid waste within the City. The commercial hauler shall notify the City Manager of any changes in vehicle registration occurring during the license year;
  - d. Pay any license or other fees established by the City Council;
  - e. Provide a copy of a valid, non-hazardous waste transporter license issued by the Department of Environmental Protection;
  - f. Indicate the disposal site(s) or other destination(s) to which the hauler intends to transport solid waste and recyclable materials. If, during the license year, the hauler changes any such destination, it shall report the new destination in writing to the City Manager; and
  - g. Provide a list of those customers, and their addresses, who have dumpsters.
2. **License Renewal and Reporting.** All commercial waste haulers must submit quarterly reports for the July 1<sup>st</sup>, October 1<sup>st</sup>, January 1<sup>st</sup>, and April 1<sup>st</sup> quarters. The reports are due within 2 weeks of the end of the appropriate quarter. The report shall be on a form that may be designated by the City and shall provide a reasonable estimate of the amount, by weight, of solid waste and, separately, of recyclable materials that were collected by the hauler within the City during the previous calendar year, and the location where each category of waste and recyclable materials was disposed of by the hauler. No renewal license will be issued to a commercial waste hauler that has not submitted these quarterly reporting forms.
3. **Hauler Responsibilities**
- a. The City has a contract with a licensed solid waste disposal facility to accept solid waste generated within the City. The commercial waste hauler must dispose of solid waste at this facility or at any other legally authorized

disposal or recycling facility. The commercial waste hauler is responsible for payment of any tipping or other fees or costs imposed by the disposal or recycling facility as well as other fees, costs of collection and transportation to the facility and any other costs associated with disposal or recycling of the waste.

- b. The City will provide commercial waste haulers with a copy of an information sheet describing relevant provisions of this Ordinance and related information. Each hauler will distribute one copy of the information sheet to each customer at the beginning of service for that customer and at least once annually thereafter.
  - c. During collection, transport and disposal of solid waste and recyclable materials, commercial waste haulers shall maintain separation of any recyclable materials that are separated by their customers, according to the categories established under Section 5-407, Subsection 1 of this Ordinance.
  - d. Commercial waste haulers shall not mix solid waste and recyclable materials collected within the City with that collected outside the City, unless the hauler employs a method to weigh the materials collected within Hallowell for purposes of complying with the reporting requirements of this Ordinance.
  - e. Commercial waste haulers must dispose of solid waste at waste disposal or collection facilities licensed for that purpose by the Maine DEP or otherwise legally authorized. Separated recyclable materials shall be taken to recycling facilities.
  - f. At the request of the City Manager, a commercial waste hauler shall provide information to the City sufficient to demonstrate the hauler's ability to comply with the requirements of this Ordinance.
  - g. Commercial waste haulers will ensure that they have space and capacity on their trucks to collect all recyclables set out by all of their customers in the city.
4. **Responsibilities of Customers of Commercial Waste Haulers.** Any person hiring a commercial waste hauler for collection of solid waste or recyclable materials in Hallowell shall contract only with a hauler licensed as provided by this Ordinance. Solid waste shall not be placed curbside, which means outside within 25 feet of a public street, for more than 24 hours before scheduled pick-up by a licensed hauler.

[Derivation: Ord. No. 07-11; effective 10/19/2007]

**SECTION 5-409**      SOLID WASTE ADVISORY COMMITTEE

- 1. **Committee Appointment.** With the advice and consent of the City Council, the Mayor shall appoint five citizens of the City to serve as the Solid Waste Advisory

Committee. Appointments shall be for a term of two years, with the initial appointments to be staggered for a period of one year so as to create term expirations that are reasonably balanced from year to year. The Committee shall include representatives of the City's business, education and residential communities.

2. **Committee Responsibilities.** The Solid Waste Advisory Committee shall provide assistance to the City in evaluating the effectiveness of this Subchapter in carrying out its purposes, and in studying and reporting on other measures that the City should consider in furthering those purposes, including without limitation seeking to lower costs to Hallowell citizens of solid waste collection and disposal, providing for public education concerning solid waste disposal and recycling, and providing for an efficient means of collection of household hazardous waste, universal waste, white goods and other bulky wastes, and recyclable materials.

[Derivation: Ordinance No.: 03-19, Effective: November 20, 2003]

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**SUBCHAPTER V – UNREGISTERED MOTOR VEHICLES**

**SECTION 5-501      PREAMBLE**

The City of Hallowell finds that the outside storage of three or more unregistered used motor vehicles on any lot is a public nuisance, except as expressly permitted herein.

**SECTION 5-502      DEFINITIONS**

The definitions under 29-A M.R.S.A. §101 and §851, and 30-A M.R.S.A. §3752 shall apply to undefined terms used in this Chapter.

**SECTION 5-503      PROHIBITION**

It shall be unlawful for the owner or occupant of any lot within the City to permit or cause the storage or placement of three or more unregistered used motor vehicles upon such lot, unless such vehicles are within an enclosed structure, or unless provided otherwise under Section 5-504.

**SECTION 5-504      EXEMPTIONS**

Section 5-503 shall not apply if:

1. The unregistered used motor vehicles are stored in a licensed junkyard or automobile graveyard, stored on a lot primarily used as a licensed automobile recycling business, or are stored in a manner that complies with the standards established for automobile recycling businesses under 30-A M.R.S.A. §3755-A and this Code after prior approval of the Code Enforcement Officer.
2. The unregistered used motor vehicles, not to exceed five in number, are stored on a lot primarily used as a commercial automobile repair facility, provided such vehicles are not stored for more than 30 days.
3. The lot contains one or more dwellings and no more than one unregistered vehicle is owned by each of three or more occupants of such lot and each of said occupants holds a valid and current State of Maine drivers license.
4. The unregistered used motor vehicles are stored on a lot upon which a used car dealer has an established place of business within the City or at any licensed branch or annex thereof, if the dealer and all locations are licensed pursuant to 29 M.R.S.A. §951.

**SECTION 5-505      ENFORCEMENT; REMEDIES**

1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Chapter as provided in 30-A M.R.S.A. §4452.

2. Penalties and other remedies. The penalties and other remedies for violation of the provisions of this Chapter shall be the same as those provided in Section 5-403.

**SECTION 5-506**      TRANSITION PROVISION

Notwithstanding Sections 5-501 through 5-505 above, the owner of any lot that was not in compliance with Section 5-503 prior to December 13, 1999 shall not be subject to civil penalties or other enforcement action under Section 5-505, provided that no additional unregistered used motor vehicles are placed on the lot, except as expressly permitted, and further provided that:

1. If the number of existing unlawfully stored vehicles on the lot is less than 20, all such vehicles shall be removed prior to January 1, 2001.
2. If the number of existing unlawfully stored vehicles on the lot is more than 20 but less than 40, no less than 20 such vehicles shall be removed prior to January 1, 2001, and all other unlawfully stored vehicles shall be removed prior to January 1, 2002.
3. If the number of existing unlawfully stored vehicles on the lot is more than 40, not less than 20 such vehicles shall be removed prior to January 1, 2001, not less than an additional 20 vehicles shall be removed prior to January 1, 2002, and all other unlawfully stored vehicles shall be removed prior to January 1, 2003.

**SECTION 5-507**      AUTHORITY

This Chapter is enacted pursuant to 30-A M.R.S.A. §3001, §3755(5) and §4452(5).

[Derivation: Ordinance No.: 00-5, eff. 2/17/00]

**SUBCHAPTER VI – SALE OF FLAVORED TOBACCO PRODUCTS PROHIBITED**

**SECTION 5-601      AUTHORITY**

This Subchapter is enacted pursuant to 22 M.R.S. §1556.

[Derivation: Ord. No. 24-01; effective 02/22/2024]

**SECTION 5-602      DEFINITIONS**

The following words, terms, and phrases, when used in this Subchapter shall mean:

1.     Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. An electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. An electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
2.     Flavored tobacco product means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell related to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.
3.     Retailer means any person or entity that sells tobacco products to consumers in the city.
4.     Tobacco product means:
  - A.     Any product containing, made of, or derived from tobacco or nicotine, natural or synthetic, that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus; or
  - B.     Any electronic smoking device and any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
  - C.     Any component, part, or accessory of subsections 1 or 2 above, whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemps wraps, hookahs, or pipes.
5.     Tobacco product does not mean:

- A. Drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act; or
- B. Any product containing cannabis, as defined in 28-B M.R.S. §102, unless such product contains, is made of, or is derived from tobacco or nicotine, natural or synthetic.

[Derivation: Ord. No. 24-01; effective 02/22/2024]

**SECTION 5-603**      PROHIBITED

- 1. No retailer may sell or offer for sale any flavored tobacco product, or display, market or advertise for sale in the city, any flavored tobacco product.
- 2. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a retailer, manufacturer of tobacco products, or any employee or agent of a retailer or manufacturer of tobacco products has:
  - A. Made a public statement or claim that the tobacco product imparts a taste or smell other than the taste or smell of tobacco; or
  - B. Used text or images, or both, on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than tobacco; or
  - C. Taken action directed to consumers that would be reasonably expected to cause customers to believe the tobacco product imparts a taste or smell other than tobacco.

[Derivation: Ord. No. 24-01; effective 02/22/2024]

**SECTION 5-604**      ENFORCEMENT

The police department shall have the primary responsibility for the enforcement of this Subchapter.

[Derivation: Ord. No. 24-01; effective 02/22/2024]

**SECTION 5-605**      VIOLATIONS AND PENALTIES

Violators of this article shall be given a warning for the first offense. Any subsequent offenses will result in a civil violation and a fine in accordance with Chapter 1 Section 1-109. Each day on which a violation occurs shall be considered a separate and distinct violation.

[Derivation: Ord. No. 24-01; effective 02/22/2024]