CHAPTER 6

PUBLIC PROPERTY

SUBCHAPTER I - PUBLIC WORKS DEPARTMENT

SECTION 6-101 CITY MANAGER TO ADMINISTER OPERATIONS OF PUBLIC WORKS DEPARTMENT

The City Manager shall have general supervision over and shall administer all operations of the public works department including all work performed. It shall be the duty of the City Manager to superintend the general state of the streets, sidewalks and other City property, except as otherwise provided in this Code.

[Derivation: Sections 20-1 and 20-2, 1973 Revised Code of Ordinances as amended]

SECTIONS 6-102 - 6-105 (Reserved)

SECTION 6-106 CITY MANAGER RESPONSIBLE FOR MAINTENANCE AND REPAIRS

The City Manager, assisted by a highway foreman, shall attend to the maintenance and repairs of the streets, sidewalks and other City property.

[Derivation: Section 20-6, 1973 Revised Code of Ordinances]

SECTION 6-107 HIGHWAY FOREMAN TO GIVE NOTIFICATION OF NUISANCES, OBSTRUCTIONS, ETC.

The highway foreman shall give notice to the City Manager or Chief of Police of any nuisance, obstruction or encroachment upon the streets, sidewalks and public places.

[Derivation: Section 20-8, 1973 Revised Code of Ordinances]

SECTION 6-108 ENCROACHMENTS; PROSECUTE OFFENDERS

The City Manager or the Code Enforcement Officer shall see that no encroachment is made upon any street, public landing place, square or property of the City by fences, buildings or otherwise, and whenever any encroachment shall thereafter be made thereon, and the party making the same shall neglect or refuse to remove it, the City Manager shall, with the aid of the City Solicitor, cause the person offending to be prosecuted and the nuisance abated.

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

SECTION 6-109 HIGHWAY FOREMAN TO CARE FOR CITY'S HIGHWAY VEHICLES, EQUIPMENT

The highway foreman shall take the general care of all highway vehicles and equipment owned by the City.

[Derivation: Section 20-7, 1973 Revised Code of Ordinances]

SECTION 6-110 CITY MANAGER AND HIGHWAY FOREMAN AUTHORIZED TO CLOSE STREETS FOR REPAIR, ETC.

The highway foreman or superintendent of the water district with consent of the City Manager, at any time, may authorize the closing of a street to the passage of motor vehicles to repair or reconstruct such street due to any emergency or damage. If the City Manager exercises such authority, he shall notify the fire chief of such action.

[Derivation: Section 20-11, 1973 Revised Code of Ordinances]

SUBCHAPTER II - STREETS AND SIDEWALKS

DIVISION A - GENERAL

SECTION 6-201 STATE STATUTES GOVERN IN LAYING OUT, ESTABLISHING, ETC. STREETS

The laying out, establishing, altering, discontinuing, vacating and widening of streets shall be in accordance with 23 M.R.S.A. Chapter 304.

[Derivation: Section 20-12, 1973 Revised Code of Ordinances]

SECTION 6-202 RECORDS OF LAYING OUT, ALTERING REQUIRED

A complete record of the proceedings of the Council in the acquisition or discontinuance of public ways, including any petition therefor and notice and return thereon, shall be maintained by the City Clerk.

[Derivation: Section 20-13, 1973 Revised Code of Ordinances]

SECTION 6-203 DUTY TO REPLACE OR RECORD DISTURBANCES OF MONUMENTS, MARKERS

Whenever the City, any contractor or individual, in the course of their work, disturbs a permanent monument or surveyor's marker, it shall replace the same, or if not possible, record on the City records the former location with proper tie-ins

[Derivation: Section 20-14, 1973 Revised Code of Ordinances]

SECTION 6-204 CERTAIN RECORDS TO BE FILED WITH PUBLIC WORKS DEPARTMENT

All records of all work done for the City and the originals and tracings of all maps, plans and profiles and the original field notes, shall be the property of the City and shall be filed in the office of the City Manager.

[Derivation: Section 10-15, 1973 Revised Code of Ordinances]

SECTION 6-205 BUILDING AND STREET NUMBERING PROCEDURE

1. Repealed.

2. Repealed.

3. Repealed.

4. Repealed.

5. Repealed.

[Derivation: Section 20-16, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No.: 05-11 effective November 18, 2005]

SECTION 6-206 Repealed.

[Derivation: Section 20-17, 1973 Revised Code of Ordinances; Ord. No. 18-02, effective 3/22/2018]

SECTION 6-207 STATUTES TO REGULATE MOVING OF OVERSIZE OR HEAVY OBJECTS; PERMIT REQUIRED, FEE

No vehicle shall move objects having a length or width or height or weight greater than specified in Title 29 of the State Statutes over any way or bridge maintained by the City without applying in writing to the City Clerk.

Each application shall be approved by the City Manager and the Chief of Police and the fee for the permit shall be five dollars ($5.00)

[Derivation: Section 20-18, 1973 Revised Code of Ordinances]

SECTION 6-208 CONSTRUCTION AREA PERMIT REQUIRED TO PROTECT STREETS

A permit must be procured in the manner set out in Section 6-207 in cases where construction areas encompass the City. Such permit shall provide the contractor with the responsibility for damage to any street used in such area and shall require the contractor to furnish a bond to guarantee suitable repair or payment of damages, the suitability of such repairs or amount of damage to be determined by the municipal officers. The construction area permit shall carry no fee, but shall be approved by the City Manager and the Chief of Police.

[Derivation: Section 20-19, 1973 Revised Code of Ordinances; Ord. No. 15-05; eff. 07/23/2015]

SECTION 6-209 DEPOSIT REQUIRED TO COVER ESTIMATED COST OF POLICE SERVICES

Prior to the issuance of a permit required by Section 6-207, the applicant shall deposit with the treasurer an amount of money to be established by the Chief of Police for the payment of police services. Upon completion of the work, the person making such deposit is credited and if the actual cost exceeds the deposit, such person shall be billed in that amount.

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

SECTION 6-210 FEE SCHEDULE FOR POLICE ESCORTS WHEN MOVING HEAVY OBJECTS OR RE-ROUTING OF TRAFFIC, ETC. AND SPECIAL DUTY

In relation to Section 6-209, the fee for police escorts within the City shall be as follows:

The first four (4) hours or part thereof:

One (1) policeman	$30.00 per hour
Two (2) policemen	$60.00 per hour

Each additional hour or fraction thereof after four (4) hours:

One (1) policeman	$10.00 per hour
Two (2) policemen	$20.00 per hour

Special Duty: Minimum of 4 hours @ $50.00 per officer per hour.

[Derivation: Section 20-21, Section 3-3, 1973 Revised Code of Ordinances; Ord. No.: 03-08, effective 04/17/2003; Ord. No. 18-12, effective 08/23/2018]

SECTION 6-211 AUTHORITY TO LICENSE MOVING OF BUILDINGS; BOND

The City Manager upon petition, as set forth in Section 6-212 shall have power to license any person to move a house, store or other building through any of the streets of the City under proper restrictions, upon the receipt of a good and sufficient bond to indemnify the City for all damages which it may suffer, such bond to be approved by the Mayor.

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

SECTION 6-212 PETITION STATING PRESENT AND FUTURE SITE OF BUILDINGS TO BE MOVED

No license to move any house, store or other building shall be granted except upon petition directed to the City Manager and filed with the clerk, setting forth the present location of the building to be moved and the lot on to which it is proposed to be moved.

[Derivation: Section 20-23, 1973 Revised Code of Ordinances]

SECTION 6-213 VIOLATION OF REGULATIONS CONCERNING MOVING OF BUILDINGS, PENALTY

Any person who shall be concerned in moving any house, store or other building through any street without first obtaining a license and giving bond, as required by this article, shall be subject to the provisions of Section 1-109 of this Code.

[Derivation: Section 20-24, 1973 Revised Code of Ordinances]

SECTION 6-214 PERMIT TO CUT TREES; PROOF OF FINANCIAL RESPONSIBILITY

No person excepting the City Manager or highway foreman shall cut or trim trees or parts thereof that are located within or extend over any street or sidewalk without first obtaining a written permit therefor from the City Manager and posting with him satisfactory evidence of financial responsibility to meet any claim for personal injury or property damage which might arise from said cutting or trimming.

[Derivation: Section 20-25, 1973 Revised Code of Ordinances]

SECTION 6-215 DEPOSITING EARTH MATERIAL RESTRICTED; DUTY TO REMOVE, PENALTY

Any person engaged in the excavating in excess of fifty (50) yards of clay, topsoil, borrow or other earth material and using dual wheel trucks to transport such material over the City streets shall remove any of such material deposited by or fallen from said vehicles onto any street within twenty-four (24) hours after written notice from the City Manager and shall be liable for failure to do so to a penalty in accordance with Sect. 1-109 of this Code.

[Derivation: Section 20-26, 1973 Revised Code of Ordinances]

SECTION 6-216 DEPOSITING OF GARBAGE, FILTH, DIRT OR SNOW IN STREETS, SIDEWALKS, PUBLIC PLACES

No person shall sweep, place or deposit any dirt, soot, ashes, shavings, paper, hair, manure or any vegetables or animal substance or any rubbish, offal or filth, any snow, etc. on or upon any street, sidewalk or public place in the City.

[Derivation: Section 20-27, 1973 Revised Code of Ordinances]

SECTION 6-217 SLEDDING REGULATED

No person shall slide down any street or sidewalk upon any sled, sleigh or other such device, except on such streets as sliding has been authorized by the municipal officers under 23 M.R.S.A. §2851.

[Derivation: Section 20-28, 1973 Revised Code of Ordinances]

SECTION 6-218 LEAVING ARTICLES ON STREETS, SIDEWALK PROHIBITED

No person shall leave or place any article in any street or sidewalk so as to impede travel thereon.

[Derivation: Section 20-29, 1973 Revised Code of Ordinances]

SECTIONS 6-219 THROUGH 6-230 (Reserved)

DIVISION B - STREET CONSTRUCTION STANDARDS

SECTION 6-231 PURPOSE

This Division defines the classes of streets and establishes minimum standards for streets constructed in the City.

[Derivation: Section 20-41, 1973 Revised Code of Ordinances]

SECTION 6-232 COMPLIANCE WITH STANDARDS REQUIRED BEFORE ACCEPTANCE OF STREET

No new street shall be approved and accepted as a public way by the City Council until all applicable provisions of this Code has been complied with.

[Derivation: Section 20-42, 1973 Revised Code of Ordinances]

SECTION 6-233 DEFINITIONS

For purposes of these standards streets are classified by function as follows:

1. Major or Arterial. Major Streets serve primarily as major traffic ways for travel between and through towns, Fig. A.

2. Collector Streets, which serve as feeders to Major Streets, as collectors of traffic from Minor Streets and for circulation and access in commercial and industrial areas, Fig. B.

3. Minor or Local Streets, are streets used primarily for access to abutting residential, commercial or industrial properties, Fig. C.

[Derivation: Section 20.43, 1973 Revised Code of Ordinances]

SECTION 6-234 GENERAL REQUIREMENTS

1. Existing Streets may be continued or extended at the same or greater width, but never less than the original width.

2. Street jogs with center-line offsets of less than 125 feet will not be permitted.

3. Cul-du-sacs, or dead-end streets shall not be greater in length than 800 feet except where topographic or other considerations make a greater length unavoidable. They shall be provided at the closed end with a turn-around, with a property line frontage of 100 feet and a paved traveled way radius of 50 feet, the right of way radius shall be 61 feet.

4. Street Intersections shall be as nearly right angles as possible. No street intersection shall be at an angle of less than 60 degrees unless extraordinary conditions so require.

5. Permanent monuments shall be set at all street intersections and at points of curvature. Monuments shall be granite, located in the ground at final grade level. After they are set, drill holes ½ inch deep shall locate the points described above.

6. Parking areas on new streets shall be included as additional areas on right or left shoulders.

[Derivation: Section 20-44, 1973 Revised Code of Ordinances as amended]

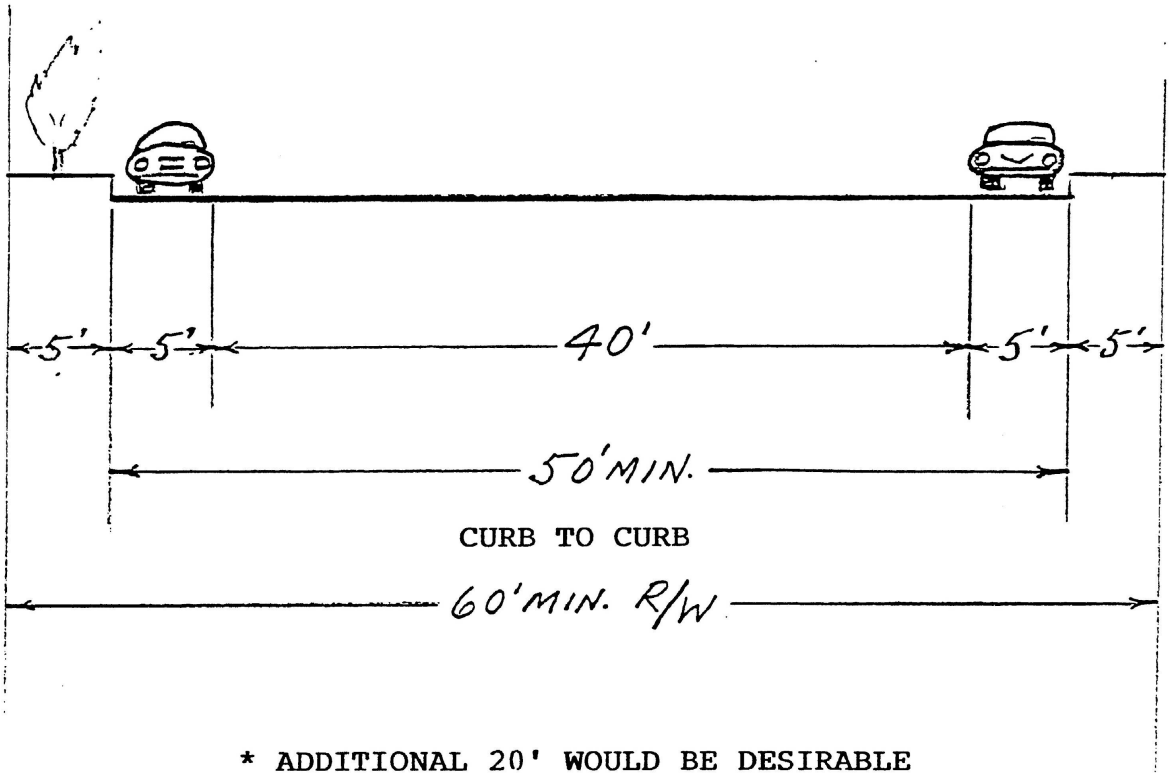
SECTION 6-235 MINIMUM DESIGN AND CONSTRUCTION SPECIFICATIONS

	Item	Major Street	Collector Street	Minor Street
1.	R/W Width	60 feet	50 feet	50 feet
2.	Pavement width	50 feet	40 feet	28 feet
3.	Grades, Max.	5%	6%	10%
	Min.	0.5%	0.5%	0.5%
4.	Shoulders	5 feet	5 feet	5 feet
5.	Min center-line radii on curves	800 feet	200 feet	200 feet
6.	Road base	24 in.	18 in.	18 in.
	Sub-base, bank gravel	18 in.	12 in.	12 in.
	Upper base crushed gravel	6 in.	6. in.	6 in.
7.	Bituminous paving	2 ½ in.	2 ½ in.	2 in.
8.	Road crown		all - ½ in./1 foot	
9.	Sidewalks where required, width	5 feet	5 feet	5 feet
	Base course, gravel	8 in.	8 in.	8 in.
	Surface	2 in. bituminous hot-top		
10.	Curb radii at intersections			
	90 degree intersections	---------25 feet----------		
	Less than 90 degree	---------30 feet----------		
	See also figures	"A"	"B"	"C"

[Derivation: Section 20-45, 1973 Revised Code of Ordinances as amended]

MAJOR ARTERIAL STREET

2 TO 4 LANES
PARKING OPTIONAL



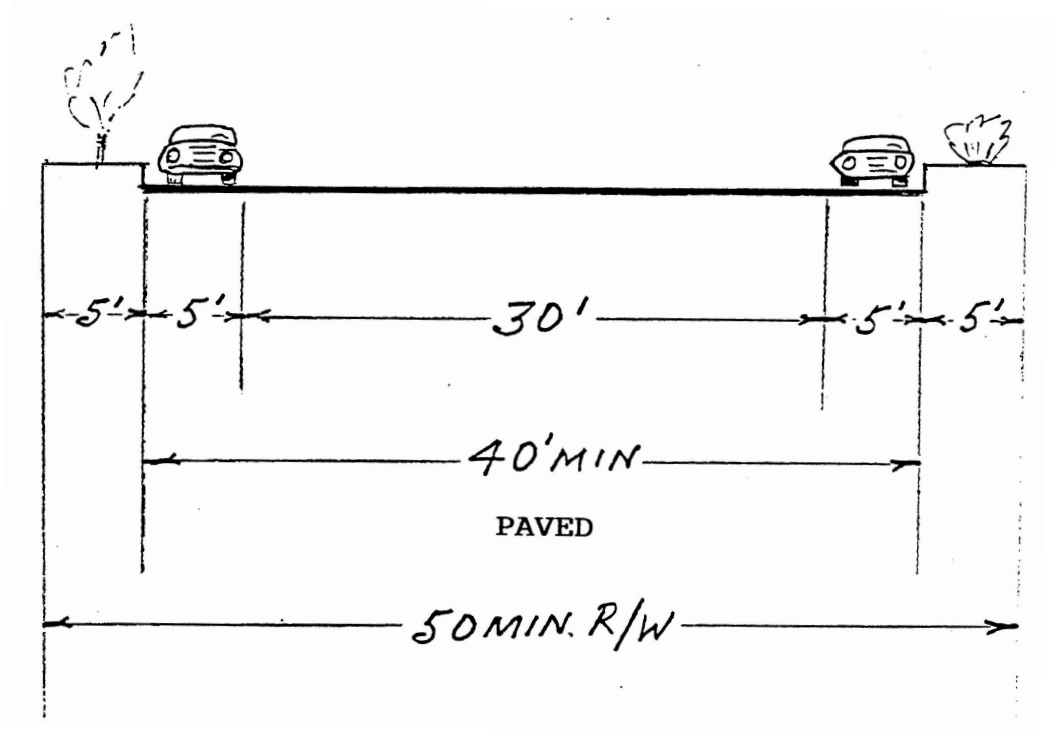
* ADDITIONAL 20' WOULD BE DESIRABLE

1" = 10'

Figure A

[Derivation: Section 20-45, 1973 Revised Code of Ordinances as amended]

COLLECTOR STREET

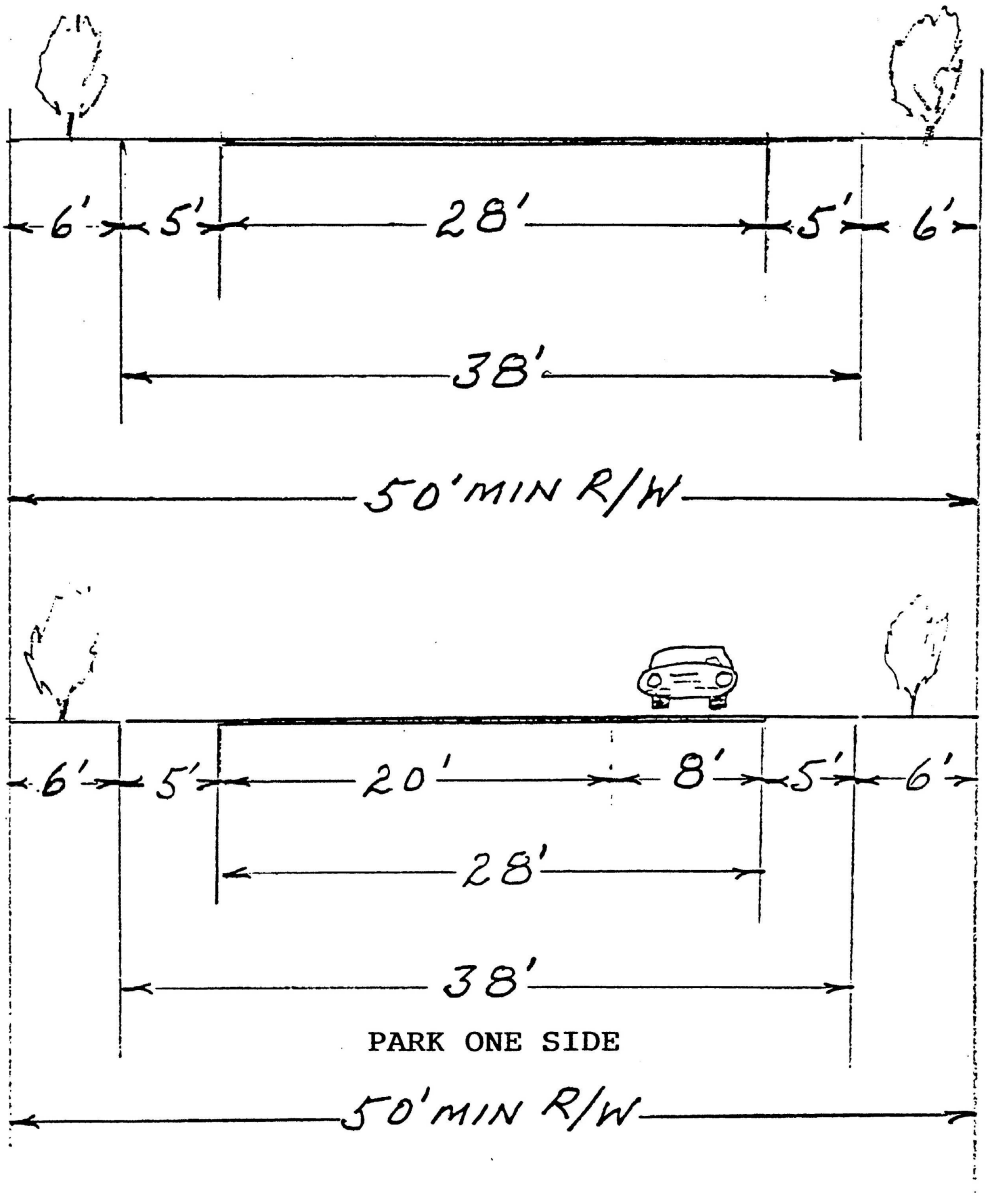


1" = 10'

Figure B

[Derivation: Section 20-45, 1973 Revised Code of Ordinances as amended]

LOCAL STREET



1" = 10'

Figure C

[Derivation: Section 20-45, 1973 Revised Code of Ordinances as amended]

SECTION 6-236 EXCEPTIONS TO CERTAIN SPECIFICATIONS

1. Road within cluster developments. The City may accept a road within a subdivision plan approved by the planning board that contains only a cluster development of no more than 25 units, provided all structures are set back from the road a minimum of 35 feet, and subject to all standards in Section 6-234 except as follows:

   A. The width of the right of way shall be a minimum of 36 feet.

   B. The width of the paved traveled way shall be a minimum of 18 feet.

   C. The width of the gravel shoulders shall be a minimum of 6 feet and may be grassed over.

   D. Sidewalks shall not be required.

2. Certain dead-end roads. The City may accept a dead-end road that does not meet the standards of Section 6-234, provided the following conditions exist or have been met:

   A. The road has been used for vehicular traffic by the public for at least 40 years.

   B. The width of the right of way shall be a minimum of 30 feet.

   C. The road shall be not less than 500 feet and not more than 800 feet long.

   D. There exist at least 5 residential dwellings with frontage on the road, which have no other access to a public way except along the road.

[Derivation: Section 20-46, 1973 Revised Code of Ordinances as amended 1-8-90]

SECTION 6-237 DRAINAGE (Reserved)

SECTION 6-238 CURBS AND GUTTERS

1. Street curbs and gutters shall be required on all streets within urban areas as defined by the Dept. of Transportation, and within subdivisions of a condition of approval by the Planning Board.

2. Where curbs and gutters are not required, shoulders shall be stabilized and proper drainage shall be provided.

[Derivation: Section 20-47, 1973 Revised Code of Ordinances]

SECTION 6-239 ADMINISTRATION

The procedures provided for under this Article shall apply to all new streets hereafter built in the City.

[Derivation: Section 20-48, 1973 Revised Code of Ordinances]

SECTION 6-240 BUILDERS DUTY TO OBTAIN LINE, GRADE, PRIOR TO CONSTRUCTION; CITY'S LIABILITY

1. After a street has been accepted by the City in accordance with the provisions of this Chapter, anyone proposing to build on such street shall obtain the street line and grade from the City Manager before starting construction and if not built to conform with the grade of such street, he must sign a release relieving the City from all damages due to change of line or grade.

2. On unaccepted streets, street line and proposed grades may be obtained from the City Manager. Anyone failing to do so and who builds in such a way as will not conform with the approved line and grade of such street when accepted by the City will be unable to collect any damages from the City due to change of grade at time of acceptance or any time thereafter.

[Derivation: Section 20-49, 1973 Revised Code of Ordinances]

SECTION 6-241 APPLICANTS TO FURNISH GRANITE FOR RIGHT-OF-WAY MONUMENTS

In applying for the acceptance of a new street the applicants shall execute an agreement in writing to furnish granite markers similar to those specified by the Department of Transportation for right-of-way monuments.

[Derivation: Section 20-50, 1973 Revised Code of Ordinances]

SECTION 6-242 INSTALLATION OF MONUMENTS REGULATED

The furnishing and installation of the monuments required by Sections 6-234 and 6-241 shall be completed by the developer or a registered surveyor within thirty (30) days after the street is finished.

[Derivation: Section 20-51, 1973 Revised Code of Ordinances]

SECTION 6-243 COSTS; MONUMENTS AND SURVEY, CHECKING AND INSTALLATION

The cost of the monuments and their survey shall be paid for by the applicants and the cost of checking and installation by the City.

[Derivation: Section 20-52, 1973 Revised Code of Ordinances]

SECTION 6-244 CONVEYANCE BY REFERENCE TO UNAPPROVED, UNRECORDED PLAN; RECORDING REQUIRED PRIOR SEWER, SIDEWALK, STREET, CONSTRUCTION

No person shall transfer, sell, agree to sell or negotiate for the sale of any land by reference to or exhibition, of or by other use of a plot or subdivision of land into three (3) or more lots in urban areas or three (3) or more lots in rural areas until such plan has been approved by the planning board and recorded in the Kennebec County Registry of Deeds, and no application of a developer for street, sidewalk or sewer construction shall be entertained until such approval and recording has been completed.

[Derivation: Section 20-53, 1973 Revised Code of Ordinances]

DIVISION C - EXCAVATION

SECTION 6-261 PERMIT REQUIRED

No person except the City Manager/Street Commissioner shall make or cause to be made an excavation or shall dig up paving in any municipal street until the person has filed an Application/Permit (hereinafter "permit"), paid the required fee, and has received an approved permit therefor from the City Manager/Street Commissioner, except in an emergency, in which case such application/permit shall be submitted to the City Manager/Street Commissioner by 4:00 PM on the next business day after the street has been opened.

1. Permit Issuance. The City Manager/Street Commissioner shall execute and issue Road/Street Opening Permits. In the absence of the City Manager/Street Commissioner the Highway Foreman is authorized to issue Road/Street opening permits.

2. Permit

   A. All applications for Road/Street Opening Permits shall be made on a form supplied by the City of Hallowell.

   B. The Permit application shall be made and signed by the person, persons, firm, corporation or district for whom the work is to be done, or their authorized contractor, and the Hallowell City Manager/Street Commissioner or the Highway Foreman.

   C. The permit shall contain:

      1) The name and address of the applicant(s).

2) The purpose of the opening and location of proposed new installation.

3) The estimated time the excavation will remain open.

4) A sketch, or map, showing the location and size of the cuts to be made.

5) An agreement that the applicant shall comply with all applicable rules, regulations and statutes of the city which pertain to street openings. Such agreements to be joint and several with multiple applicants.

6) An estimate of the square yards of roadway and shoulder area to be disturbed.

7) An estimated cost to replace the roadway surface and shoulders, based on the fee schedule in Section 6-263. This amount shall be known as the estimated permit fee.

8) Every permit shall include the estimated permit fee, which amount shall be subject to adjustment depending on the surface area actually disturbed and satisfactorily rehabilitated. The permit holder shall be responsible for all final restoration of the affected area to the satisfaction of the City Manager/Street Commissioner. Upon satisfactory completion of the repairs and after sufficient time has elapsed to evaluate the restoration work, the permit shall be deemed complete and the City of Hallowell will refund an amount consistent with the Fee Schedule found in Section 6-263. If satisfactory repairs are not done in a timely manner as is customary according to industry standards, and upon reasonable notice to the permit holder to do same, then the City of Hallowell may complete the final restoration and utilize the permit fee for all expenses incurred by the City of Hallowell for final road/street opening restoration. If the road/street opening restoration expenses exceed the application fee, then the City of Hallowell will bill the permit holder for all additional expenses.

9) The Hallowell Water District (HWD) and the Greater Augusta Utility District (GAUD) are not required to pay the application/permit fee.

10) After the application has been approved and signed by the City Manager/Street Commissioner, or the Highway Foreman, it becomes the Road Opening Permit.

D. Every Permit shall be identified with a number when the Permit is approved.

3. Administration.

A. Limitation.

1) Permits for any portion of a roadway that has been reconstructed or undergone reclamation within the five (5) years prior to the date of the permit, and three (3) years for overlays, must be referred to the Hallowell City Council for permit approval. Except in the case of an emergency for a governmental or private utility, no work shall be done on any such section of the roadway until the permit has been approved by the Hallowell City Council.

2) If the applicant can show that the need for an opening permit could not have been reasonably anticipated before the roadway was reconstructed or overlayed, and has made an effort to investigate alternate procedures, an emergency permit may be issued by the City Manager/Street Commissioner.

3) For the purpose of this section, reconstruction is defined as a road that has had the gravel base replaced and a minimum of three (3) inches of new pavement for the entire width of the roadway. Reclamation means pavement grinding, compacting and resurfacing. Overlay means at least one (1) inch of hot asphalt on entire road surface.

4) For any opening permit issued within the 5-year, or 3-year, period mentioned above, the City of Hallowell may make sufficient charge, over and above the normal opening charge, to offset the cost of additional paving adjacent to the opening.

B. Conditions.

All granted permits shall be subject to the following conditions:

1) The traveling public shall be adequately protected at all times.

a. The work area shall be signed and lighted as required by the City.

b. Traffic Officers and / or Certified Flaggers shall be paid by the permittee; even when required by the City.

c. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for streets and highways, as issued by the Federal Highway Administration.

2) Construction methods shall be such that excessive excavation and excessive destruction of pavement shall be avoided.

   a. Dig Safe and local utilities shall mark the area prior to cutting the pavement.

   b. Pavement shall be cut in advance along the proposed edges of the excavation.

   c. All trench work shall comply with OSHA regulations.

3) The backfill material shall be as follows:

   a. Top 18 inches, or full depth of gravel base in more recently constructed roadways, shall be made with Maine Department of Transportation (MDOT) base gravel specification.

   b. All other backfill shall be equivalent to material removed, except that special backfill of suitable material may be used immediately around pipe, cable, conduit, etc. or to replace material, which cannot be compacted.

4) Backfill material shall be uniformly distributed in layers of not more than eight (8) inches and thoroughly compacted by use of approved mechanical compactors before successive layers are placed. Water shall be added when necessary to increase the moisture content of the backfill material to obtain adequate compaction. Puddling or jetting of backfill material is not permitted.

5) Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.

6) Permanent pavement shall be replaced by a qualified paving contractor to the full depth and extent of the existing pavement removed up to a maximum depth of four (4) inches.

7) Compliance with the terms and conditions of this permit shall be the responsibility of the permit holder. The City of Hallowell will not assume any liability for damages arising out of or resulting from a violation of the permit terms.

8) The City of Hallowell reserves the right, after due notice in writing to the holder of the permit, to cause the following to occur:

   a. To provide such application review, supervision and inspection as it may deem necessary.

b. To re-excavate and backfill as may be necessary.

c. If the area is improperly and unsatisfactorily cleaned up, to clean up the area.

d. To charge the holder of the permit the cost of all work performed under reservations (a., b., and c. above); which charge will be in addition to the normal fee for opening the roadway and may include an additional bill to the permit holder.

9) After the excavation has been made and backfilled, a representative of the City of Hallowell will measure the actual yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause. If the final permit fee, based upon actual measurements differs from the estimated fee, an adjustment will be made either as a refund under Section 6-261 (2.C-8) or a bill showing the additional amount due.

C. Policy.

1) The City of Hallowell shall limit the permit by setting the time within which the work must be accomplished and shall prohibit work on Saturday, Sunday or holidays, unless expressly authorized by the City Manager/Street Commissioner.

2) No permit, except in the case of an emergency shall be granted unless the work contemplated is to be completed before November first.

3) No new work shall be started in the spring before such time as the frost leaves the ground.

4) The applicant for a permit may appeal to the City of Hallowell's City Council to make an exception to the dates specified above. The appeal shall be accompanied by supporting data adequate to show cause why an exception should be granted.

5) If an opening permit is granted for work after November first, the City of Hallowell may require the permit holder to provide temporary paving and to maintain the trench until the frost is out of the ground.

6) The total cost to the permit holder will correspond to the damage done to the roadway facility. Permits are required for paved areas (defined as areas paved or surfaced with gravel), shoulder areas, openings between a normal ditch cut, bottom of slope in fills, and the shoulder, and under-pavement drilling using trenchless technology.

7) Installations proposed to be made under paved areas shall be designed to use the shortest possible distance under the pavement consistent with the particular installation involved.

8) When crossing a local highway, the permittee shall give due consideration to the installation of a conduit or sleeve of adequate design to minimize opening the highway. The City may require installation of a conduit or sleeve.

9) Private water, power and cable crossings shall be placed through a suitable pipe sleeve extending not less than twelve (12) inches out of the shoulder.

10) All installations under the pavement and shoulders shall have not less than twenty-four (24) inches of cover. Elsewhere the cover shall not be less than twelve (12) inches. Installations subject to freezing shall be sufficiently deep so that it will not be damaged by frost penetration.

11) The City may direct proposed new installations to be under sidewalks.

12) The City may direct the location of the proposed new installations.

[Derivation: Section 20.78, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No.: 03-10, Effective May 23, 2003; Ord. No. 14-02, eff. 3/20/2014]

SECTION 6-262 RECORD OF PERMITS

The City Manager or such officer as the City Council may appoint shall be authorized to issue permits, shall keep a record of all permits granted by him, work done by the City employees excepted.

[Derivation: Section 20-79, 1973 Revised Code of Ordinances; Ord. No. 14-02, eff. 3/20/2014]

SECTION 6-263 FEE SCHEDULE

There is hereby established the following schedule of fees for granting permits for any excavation or disturbance of ground in the Right-of-Way (ROW) of any municipal street or sidewalk in the City.

1. For street/road paved surfaces and sidewalks, fifty dollars ($50.00) per square yard.

2. For unpaved shoulders, ditches and other parts of the ROW, including trenchless technology used under the ROW, thirty dollars ($30.00) per square yard.

3. The City of Hallowell will retain a minimum of 25% of the fee for inspection and administration. Additional inspection charges may be required for larger road openings that necessitate third-party inspections. The City will hold onto the remaining 75% of the fee for 12 months after road restoration is completed to ensure that the road repairs are adequate to withstand a freeze-thaw cycle. After this time has elapsed and once final restoration is completed, the City will reimburse to the permit holder all remaining fees.

4. The Hallowell Water District and the Greater Augusta Utility District are exempted from this fee schedule provided that any permit issued to a District is conditioned upon that District repaving the removed street surface, at its sole expense, in accordance with City standards.

[Derivation: Section 20-80, 1973 Revised Code of Ordinances as amended by Ord. No. 01-02, eff. 1/18/01]
[Derivation: Ordinance No.: 03-10, Effective May 23, 2003; Ord. No. 14-02, eff. 3/20/2014]

SECTION 6-264 PAYMENT OF FEES TO TREASURER; USE OF FUNDS

The applicant for a permit to excavate or dig up the paving of any street in the City shall pay to the treasurer the fees established in Section 6-263, and all such fees shall be regularly accounted for and be credited to Highway Department Account.

[Derivation: Section 20-81, 1973 Revised Code of Ordinances]

SECTION 6-265 FILLING REGULATED; EXPENSE

All excavation made in conformance with this article shall be, backfilled and tamped in good, permanent condition with all possible dispatch under the direction and to the satisfaction of the City Manager, in all cases the final eighteen (18) inches of fill shall be made with a good grade of road base gravel. If not, the highway foreman shall make such repairs as are necessary to meet the specifications, and the person responsible for such neglect shall be liable to the City for the expense of such repairs and in addition shall be subject to the penalty provisions of Section 1-109.

[Derivation: Section 20-82, 1973 Revised Code of Ordinances]

SECTION 6-266 FENCES, LIGHTS REQUIRED AT WORK AREA

When a person is permitted, in accordance with the provisions of this article, to occupy any part of a street for building purposes, such person shall erect and maintain around the part so occupied, a sufficient fence to prevent injury to persons, animals or vehicles passing the premises, and keep the same property lighted at night. Temporary sidewalks shall be provided when requested by the City Manager.

[Derivation: Section 20-83, 1973 Revised Code of Ordinances]

SECTIONS 6-267 THROUGH 6-270 (Reserved)

DIVISION D - SNOW REMOVAL

SECTION 6-271 CITY MANAGER'S AUTHORITY TO CLOSE STREETS

The City Manager or highway foreman at any time, may close a street to the passage of motor vehicles for the purpose of snow removal.

[Derivation: Section 20-127, 1973 Revised Code of Ordinances]

SECTION 6-272 SNOW FENDERS ON CERTAIN BUILDINGS REQUIRED

The owners of all buildings upon Water Street are hereby required to place snow fenders upon the roofs thereof next to the street, in such a manner as shall effectually protect persons and property from injury from snow and ice sliding from such roofs.

[Derivation: Section 6-128, 1973 Revised Code of Ordinances]

SECTION 6-273 DEPOSITING OF SNOW INTO STREETS PROHIBITED

Snow shall not be plowed, pushed, dumped, shoveled or otherwise moved into or deposited within the right-of-way of any road or street. Any person who violates this ordinance or who contracts with or employs another who violates this ordinance shall be subject to the penalty provisions of Section 1-109 of this code.

[Derivation: Section 20-129, 1973 Revised Code of Ordinances]

SECTION 6-274 DEPOSITING NEAR FIRE HYDRANTS

No person shall place or deposit any snow, ice or other obstruction within six (6) feet of any fire hydrant.

[Derivation: Section 20-130, 1973 Revised Code of Ordinances]

SECTION 6-275 WINTER MAINTENANCE OF SIDEWALKS ON WATER STREET

1. Definitions. For purposes of this subsection the terms below are defined as follows:

   A. Culmination of a Minor Winter Storm Event. The culmination of a minor winter storm event occurs when: (1) it is no longer snowing, raining or sleeting; and (2) the Public Works Foreman, in consultation with the City Manager, has determined that the accumulated amounts do not necessitate the use of mechanical means to remove snow or ice from sidewalks in the Downtown

District.

B. Culmination of a Significant Winter Storm Event. The culmination of a significant winter storm event occurs when: (1) it is no longer snowing, raining or sleeting; (2) State of Maine storm related delays, closings and cancellations are no longer in affect; and (3) the Public Works Foreman, in consultation with the City Manager, has both determined that mechanical means will be used to remove accumulated snow and ice from the sidewalks in the Downtown District and the City has removed the snow and ice.

C. Downtown District. Downtown District includes the properties on both sides of Water Street between the railroad right-of-way to the north and to the corner of Temple and Water Streets to the south.

D. Maintained for Safe Pedestrian Passage. Maintained for safe pedestrian passage means plowing, pushing, dumping, shoveling, sweeping or otherwise moving snow and ice off of the sidewalk or to the outer edge of the sidewalk toward Water Street. Pursuant to Section 6-273, in no cases shall the snow or ice be placed in the right-of-way.

E. Winter Storm Event. Winter storm event means a snow, ice, sleet or other winter related storm that causes any accumulation of snow or ice on Water Street sidewalks located in the Downtown District.

2. Responsibilities.

A. Property Owners. Within 24 hours of the culmination of a minor or significant winter storm event owners of buildings located in the Downtown District must maintain the portion of sidewalk abutting their property on Water Street in a manner that allows for safe pedestrian passage and protects persons from injury.

B. City Employees. Prior to the culmination of a minor or significant winter storm event and in consultation with the City Manager, the Public Works Foreman must determine whether mechanical means will be used to clear sidewalks in the Downtown District. That determination must be posted on the City's website or any other notification system at the City's disposal as soon as practicable. If mechanical means are to be used, the notice must also provide an estimated day and time the City will clear sidewalks. As soon as practicable after the culmination of a minor or significant winter storm event, the City will collect and dispose of the snow property owners have pushed to the outer edge of the sidewalk as deemed necessary.

C. Sand/Salt. The City shall provide, supply and maintain sand and/or salt buckets for use by Downtown District property owners responsible for maintaining Water Street sidewalks.

3. Violations/Penalty.

If the City's Police Department, or respective designee, determines that an accumulation of snow or ice on a sidewalk poses a risk or impediment to the public, the abutting property owner shall within 48-hours of notice cause such accumulations to be removed in order to make a passage along the sidewalks safe and convenient. Failure to remedy the problem shall result in the assessment $50 fine for each offense. Failure to pay the fine shall be a civil violation and shall be considered when the City Council, appointed regulatory boards, or employees issue required permits and licenses. Any penalty imposed for a violation of this subsection shall not preclude, and shall be in addition to, any other civil remedies that may be available to the City.

4. Appeal.

Payment of the penalty may be appealed to the Council, which will have the authority to reduce or waive any assessed fees, provided an appeal is filed with the City Clerk within 30 days of the assessment of the penalty.

[Derivation: Ord. No. 20-01, effective 01/23/2020]

SUBCHAPTER III - PARKS AND RECREATION AREAS

DIVISION A - RECREATION COMMISSION

SECTION 6-301 (Reserved)

[Derivation: Section 16-1. 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-302 PURPOSE

The purpose of the Recreation Commission is to provide policy and administrative guidance to the City Council and City Manager on the development, use and management of parks and recreational programs and facilities for the City of Hallowell. Properties under the purview of the Commission include, but are not limited to, the Res Area, Waterfront Park and Vaughan Field. The Commission, subject to the approval of the Mayor and Council, shall have the power and authority as follows:

1. In conjunction with the Mayor, Council and City Manager, formulate and promulgate policies to provide effective management of park and recreation facilities.

2. Assist City Council and City Manager in carrying out legal responsibilities related to the operation of the park and recreation facilities.

3. Develop a set of objectives and goals for the operation of each City-owned park and recreation facility.

4. Work with City Manger to develop financial plans and budgets for park and recreation facilities and activities.

5. Assist the City Manger, other staff, and community volunteers with the planning of a variety of programs, facilities and services to meet community needs effectively.

6. Inform and educate the public as to the need for a park and recreation program, facilities and services.

7. Maintain an effective public relations program in all communications media.

8. Maintain close liaison and co-ordination with local community groups and encourage maximum community participation.

9. Encourage citizen participation to include all racial and minority groups.

10. Regularly evaluate City Recreation Programs to maintain an alignment with the Commission's objectives and desired goals.

[Derivation: Section 16-2, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-303 MEMBERSHIP

The Commission shall consist of seven (7) members.

1. Two commissioners shall be members of the City Council, appointed for a one year term. The City Manager shall serve as a voting member on the Commission.

2. One commissioner shall represent the Conservation Commission, and one shall represent the Tree Board. Each of these entities will recommend to the Mayor a person to be appointed to the Commission. The two remaining commissioners shall be public members and Hallowell residents.

3. Alternate members will be appointed to the Commission based on recommendations from the Conservation Commission and Tree Board to serve as voting proxy when regular members cannot attend.

[Derivation: Section 16-3, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-304 APPOINTMENT

1. Appointments shall be made annually by the Mayor with the approval of the City Council.

2. In case of vacancy, the Mayor and Council shall appoint a person to fill the unexpired term in the same manner as originally filled.

3. Any commissioner may be appointed to succeed himself.

4. The term of office for all regular commissioner and alternate appointments is the calendar year.

[Derivation: Section 16-4, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-305 ORGANIZATION

1. The members of the commission shall elect a chairman and vice-chairman from among its members, and create and appoint committees as it may determine by a majority vote. The term of all such offices and committees shall be for one year with eligibility for re-election.

2. The commission shall hold at least six regular meetings a year. Special meetings may be called by the chairman. All meetings shall be open to the public, executive sessions excluded.

3. The order of business will be in accordance with the announced agenda, and meetings shall be conducted in accordance with Roberts' Rules of Order, Revised.

[Derivation: Section 16-5, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-306 POWERS OF COMMISSION

The Commission shall:

1. Appoint such committees as may be necessary or desirable to carry out the commission functions.

2. Work with the City Manager to prepare the budget for the City's parks and recreation programs.

3. Recommend to City Council overall program policies.

4. Determine rules of procedure for the commission subject to City Council approval.

[Derivation: Section 16-6, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTIONS 6-307 THROUGH 6-308 (Reserved)

SECTION 6-309 USE OF RES AREA BEACH AND BALLFIELD

1. Use of the Hallowell Park and Recreation Area beach and ballfield located at the Second Reservoir west of the Town Farm Road is hereby restricted from May 15 to September 15 to those who have vehicle permits. A vehicle permit will be required and a fee established for non-resident vehicles. The fee is waived for Hallowell residents. These vehicle permits will be issued by the Hallowell City Hall staff. Only vehicles with permits are allowed to park in the area next to the beach and ballfield from 9:00 a.m. to 4:00 p.m. during this time period.

2. Resident and non-resident members of teams who register and pay a rental fee to the City of Hallowell may use the ballfield for games and practices without a vehicle permit during this time period.

3. Resident and non-resident persons attending private parties who register and pay a rental fee to the City of Hallowell may use the beach and ballfield without a vehicle permit during this time period.

4. Violations of the provisions of this section shall be subject to the same procedures and fines provided for parking violations in Subchapter IV of Chapter 4 of the Code of Ordinances of the City of Hallowell.

[Derivation: Ord. No. 13-02, eff. 2/21/2013; Ord. No. 13-05, eff. 06/20/2013]

SECTION 6-310 CITY PARKS AND RECREATION AREAS

1. Except as hereinafter provided, City parks and recreation areas shall be closed to use or occupancy by any person from dusk until dawn.

2. Persons and organizations may secure written permission from the City Manager to use or occupy a City park or recreation area after closing or before opening.

3. Boat mooring at the bulkhead in the Waterfront Park area must have a docking permit issued by the Hallowell Police Department.

4. Any person violating the provisions of this section shall be subject to the fines provided in Section 1-109 of this Code upon conviction.

[Derivation: Ord. No. 13-02, eff. 2/21/2013]

SECTIONS 6-311 THROUGH 6-320 (Reserved)

DIVISION B - PUBLIC LANDS BOARD

SECTION 6-321 (Reserved)

SECTION 6-322 PURPOSE

The purpose of the Public Lands Board shall be to oversee and manage the purchase or sale of all City-owned parks or recreational property, with approval of the City Council.

[Derivation: Section 19-2, 1973 Revised Code of Ordinances; Ord. No. 13-02, eff. 2/21/2013]

SECTION 6-323 MEMBERSHIP

Members of the Hallowell City Council's Property Committee shall serve as the Public Lands Board when deliberating issues described in Section 6-322.

[Derivation: Ord. No. 13-02, eff. 2/21/2013]

SECTIONS 6-324 THROUGH 6-351 (Reserved)

SUBCHAPTER IV - MOORING OF VESSELS IN KENNEBEC RIVER

SECTION 6-401 APPOINTMENT OF HARBOR MASTER

A harbor master shall be appointed by the Mayor with the approval of the City Council.

[Derivation: Section 19-3, 1973 Revised Code of Ordinances]

SECTION 6-402 HARBOR MASTER'S DUTIES IN GENERAL; PENALTY FOR FAILURE TO FOLLOW ORDERS

1. The harbor master shall have all the powers and be subject to all the duties and liabilities of harbor masters under the state statutes.

2. He shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring or docking purposes, the kind of mooring to be used and shall change the location of said mooring from time to time when the crowded condition of the Kennebec Channel or other conditions render such change desirable; he shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be fronting their land, if so requested, but not thereby to encroach upon the Kennebec Channel.

3. Any person refusing to obey the orders or directions of the harbor master shall be punished as provided in Section 1-109 of this code.

[Derivation: Section 19-4, 1973 Revised Code of Ordinances]

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SUBCHAPTER V - CEMETERIES

SECTION 6-501 LAND APPROPRIATED

The tracts of land situated in the City of Hallowell, purchased by the City as by their several deeds, as per date, containing about twenty-five (25) acres more or less, were set apart and appropriated by the City for burial of the dead, to be known as Hallowell Cemetery.

[Derivation: Section 16-21, 1973 Revised Code of Ordinances]

SECTION 6-502 TRUSTEES

The Board of Trustees shall be three in number. The City Council shall annually in the month of January, elect three persons to act as said trustees for the term of one year. The Board of Trustees shall, annually, organize during the first week of March and at said time elect a chairman from their number. Thereafter the chairman shall call a meeting at least twice per year to act in an advisory capacity to the City Council and the City Manager on all matters relative to the cemetery. Any vacancy on the Board of Trustees, whether by resignation or otherwise, shall be filled under Article 6, Section 1 of the City Charter.

[Derivation: Section 16-22, 1973 Revised Code of Ordinances]

SECTION 6-503 SUPERINTENDENT

The City Manager shall appoint a qualified person as superintendent of the cemetery, who shall act under his direction and control in the care of the cemetery; it shall be his duty at all times to see that all ordinances pertaining to the cemetery are enforced. His tenure and removal shall be as provided under Article 6, Section 3 of the City Charter. The compensation of said superintendent and employees shall be under the regulation and control of the City Manager under the Personnel and Administration By-laws.

[Derivation: Section 16-23, 1973 Revised Code of Ordinances]

SECTION 6-504 DUTIES OF SUPERINTENDENT

1. The superintendent shall cause the cemetery to be laid out in ranges, divided by walks, the ranges to be divided into lots, the lots into graves, and the graves numbered, and a plan of the same to be made and filed with the City Clerk. All burials in said cemetery shall conform to the ranges and divisions of the same. All grave sites shall be marked with a permanent grave number set flush with the ground. All graves shall have concrete liners which are acceptable to the superintendent. The City shall not be responsible for the costs of erecting any gravestones that have been damaged through criminal action, vandalism or the weather conditions.

2. It shall be the duty of the Cemetery Superintendent to grant permission to occupy

any lot or lots by a qualified person, after authority has been obtained from the City Clerk.

3. It shall be the duty of said superintendent to take care of the cemetery, and to see that all graves are correctly arranged, made of sufficient depth and properly filled.

[Derivation: Section 16-24, 1973 Revised Code of Ordinances]

SECTION 6-505 EMPLOYMENT

For the general improvement and care of the cemetery, the Superintendent of the cemetery is authorized to employ such men as in his judgment the interests of the cemetery may require, subject to the approval of the City Manager; and the payroll of such employees, together with all expenses incurred by such improvement and care, shall be taken from the cemetery department account.

[Derivation: Section 16-25, 1973 Revised Code of Ordinances]

SECTIONS 6-506 - 6-520 (Reserved)

SECTION 6-521 REGULATING OCCUPATION OF LOTS

1. The City Clerk shall keep a record on which shall be entered all lots, denoted on the plan of said cemetery, with their number and section, and with columns ruled for the names of the purchasers of each lot, and the price and date of sale. No lot shall be used for any other purpose than as a place of burial for the dead.

2. The right to occupy any lot shall not be granted on behalf of any person not an actual resident of the City of Hallowell, and any lot granted shall not be used by anyone other than the purchaser for himself and his relatives and should said owner permit burial in said lot of other than his immediate family and direct descendants, he shall not be permitted to purchase another lot or lots. If any person who shall have been granted a lot in said cemetery, shall give, convey or grant the whole or any part thereof, or shall allow any person who is not entitled to purchase a lot under the terms of this section to use the same for burial purposes, then the right, interest and ownership of such person in such lot shall thereupon revert to the City of Hallowell.

3. Any person who is not an actual resident of the City of Hallowell, who now owns or occupies a lot in said cemetery, shall not be allowed to exchange the same for any other lot in said cemetery, provided, however, that the City Council may be a majority vote, when in their opinion the occasion demands such action, grant the right to purchase a lot to other persons.

[Derivation: Section 16-26, 1973 Revised Code of Ordinances]

SECTION 6-522 PAYMENT

Provision for payment of cemetery lots shall be made by the City Treasurer. Perpetual Care shall be required on all lots and upon receipt of payment therefor by the City Treasurer, a certificate shall be given to the purchaser indicating the section, number, size and price of the lot. All lots now under annual care shall at the time of any reopening be placed under Perpetual Care unless waved by the City Council. If in the opening of a grave, ledge, large rocks, snow, frozen ground or any other substantial material have to be removed, the cost of such removal shall be borne by the party requesting said opening. Before the opening of a grave shall commence, the party requesting said opening shall show proof satisfactory to the Superintendent of the cemetery that he has the right to request said opening. The prices for the various lots and prices for Perpetual Care shall be determined by the City Council, from the recommendations of the cemetery trustees, which prices shall be reviewed every two (2) years. The aforesaid certificate shall read as follows:

CITY OF HALLOWELL

Know all men by these presents, that the City of Hallowell in consideration of _____ _____DOLLARS paid by _____ hereby gives and grants to the said _____, his heirs and assigns forever, the right to occupy for the purposes of burial, lot # ____, of Section # ____ in the Hallowell Cemetery, belonging to the City, situated in Hallowell, being the lot described by that number on a plan of the cemetery on file in the office of the City Clerk. The right is granted and is to be held and enjoyed, subject to all such general regulations as have been or may be adopted by the City Council or under their authority, for the management and care of the cemetery, and the due observance of order therein, and the same shall not be assigned or transferred without the consent of the trustees and City Treasurer endorsed thereon.

In witness whereof, this instrument is subscribed by _____ in behalf of the City, this _____ day of _____ a.d., 20__.

_____
City Treasurer

[Derivation: Section 16-27, 1973 Revised Code of Ordinances]

SECTION 6-523 PERSONS UNABLE TO PAY

The trustees are hereby authorized to set apart a plot of land in the cemetery to be kept in good condition for the graves of parties unable to purchase lots. The City Council shall adopt such regulations as in their judgment are just and proper for the right of occupancy of any lot by such parties. In case of removal the space so vacated and the right to occupy the same shall revert to the City.

[Derivation: Section 16-28, 1973 Revised Code of Ordinances]

SECTION 6-524 PERPETUAL CARE

All money paid to the City Treasurer for Perpetual Care and all donations made by the holders of lots or other persons shall be placed in a "Trust Fund" and only the income from said Trust shall be expended for the improving and ornamenting the ground of said cemetery. No lot shall be sold without Perpetual Care as part of the price. Effective January 15, 2001, all fees paid to the City of Hallowell for "annual care" shall be paid into the Cemetery Trust Fund.

[Derivation: Section 16-29, 1973 Revised Code of Ordinances as amended by Ord. No. 01-1 eff. 1/15/01]

SECTION 6-525 CEMETERY PRICES

1. Perpetual Care: The fee for perpetual care on each grave is $150.00.

2. Purchase of Graves: The fee for purchase of each grave is $150.00.

[Derivation: Section 16-30, 1973 Revised Code of Ordinances as amended (5-7-90) and by Ord. No. 01-1 eff. 1/18/01]

SECTION 6-526 GRAVE OPENINGS AND CLOSINGS

1. The fees for grave openings and closings Monday through Friday are:

Adult/Child	$600.00
Infant	$225.00
Cremation	$225.00

2. The fees for grave openings and closings on Saturdays and Sundays are:

Adult/Child	$800.00
Infant	$400.00
Cremation	$400.00

3. (Repealed)

There shall be no grave openings and/or closings on holidays.

[Derivation: Section 16-31 1973 Revised Code of Ordinances as amended (5-7-90) and by Ord. No. 01-1 eff. 1/18/01; Ord. No. 18-03, effective 04/19/2018]

SECTION 6-527 CEMETERY FUND

All money received from the sale of lots, all sums received from the transfer of lots in Hallowell Cemetery and any cemetery money not otherwise specified shall be accredited to the Cemetery Department Account to be appropriated for the keeping of said cemetery and lots in said cemetery, and keeping the same in good order.

[Derivation: Section 16-32, 1973 Revised Code of Ordinances]

SECTION 6-528 ERECTING STRUCTURES AND CULTIVATING SHRUBS

The proprietor of any lot shall have the right to erect any proper stones, monuments or sepulchral structures thereon, and also to cultivate shrubs and plants in the same. If any shrub, situated in or upon any lot shall become objectionable, or by means of its roots, branches or otherwise, become detrimental to adjacent lots and avenues, or dangerous or inconvenient to persons passing, it shall be the duty of the cemetery superintendent to enter upon the said lot and remove the said shrub or such parts thereof as are thus objectionable, detrimental, dangerous or inconvenient. No person shall have the right to plant a tree or erect a fence without first obtaining the permission of the cemetery superintendent.

[Derivation: Section 16-33, 1973 Revised Code of Ordinances]

SECTION 6-529 RIOTOUS AND OBJECTIONAL PERSONS

Any person who shall carry any alcoholic liquors, explosives, fireworks, or play golf, use a mini-bike, bicycle, snow mobile or allow his dog to run at-large or use any loud, threatening, abusive or indecent language within the area of the cemetery, or exhibit any show, play any game of chance, post any bills, or cause any damage to trees, shrubs or flowers therein, shall be excluded from the cemetery by the superintendent, and if such person refuses to leave the grounds, he shall be subject to Section 1-109 of this Code.

[Derivation: Section 16-34, 1973 Revised Code of Ordinances]

SECTION 6-530 INJURIES TO TREES, ETC.

If any person shall willfully injure any fence, ornamental tree, walk, grave, monument or tombstone, in any private or public burying ground, he shall be subject to penalty of Section 1-109 of this Code.

[Derivation: Section 16-35, 1973 Revised Code of Ordinances]

SECTION 6-531 TRESPASSING IN CEMETERIES PROHIBITED

There shall be no trespassing in any public or private cemeteries within the City between the hours of sunset and sunrise.

[Derivation: Section 16-36, 1973 Revised Code of Ordinances]

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SUBCHAPTER VI - SEWERS AND DRAINS

SECTION 6-601 CITY SEWERS AND DRAINS

1. The presently existing system of sewers and as this system may from time to time be extended shall be under the supervision and direction of the Greater Augusta Utility District.

2. The presently existing system of storm drains and as this system may from time to time be extended shall be under the supervision and direction of the City of Hallowell.

[Derivation: Section 20-64, 1973 Revised Code of Ordinances; Ord. No. 15-05, eff. 07/23/2015]

SECTION 6-602 ALL INSTALLATIONS OUTSIDE SANITARY DISTRICT TO BE IN ACCORDANCE WITH STATE PLUMBING CODE AND SPECIFICATIONS OF CITY MANAGER

All sewers and drains installed in the City shall be built in accordance with the specifications of the City Manager and State Plumbing Code.

[Derivation: Section 20-65, 1973 Revised Code of Ordinances]

SECTION 6-603 OBSTRUCTING DITCHES; CULVERTS REQUIRED; CITY MANAGER'S APPROVAL

No person shall place any obstruction in any ditch or watercourse by the side of any street or the City without providing a sufficient culvert for the passage of water. The culvert size and the installation of such culvert shall be approved by the City Manager and the cost of same shall be borne by the owner.

[Derivation: Section 20-66, 1973 Revised Code of Ordinances]

SECTION 6-604 DRAINAGE; SEEPAGE ON STREETS AND SIDEWALKS PROHIBITED

No person shall let out or empty upon the surface of any street or sidewalk, any cellar, sink, roof or other drains, nor shall any person allow seepage from any septic tank, filter bed or cesspool to run upon any such street or sidewalk.

[Derivation: Section 20-67, 1973 Revised Code of Ordinances]

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SUBCHAPTER VII – TREES ON PUBLIC PROPERTY

SECTION 6-751 PURPOSE

It is the purpose of this sub-chapter to promote and protect the public health, safety, and general welfare of the City of Hallowell and its citizens by providing for the care, control, preservation, planting, maintenance, and removal of trees, shrubs and other plants upon public property of the City and public rights of way, including public parks, streets, cemeteries and parking areas.

SECTION 6-752 TREE BOARD

1. Establishment. A City Tree Board is hereby established pursuant to 30-A M.R.S.A., Section 3001, for the supervision of public shade trees under 30-A M.R.S.A. 3263, and for purposes provided in Section 6-753

2. Membership. The City Tree Board shall consist of eleven members who are residents of the City of Hallowell. The Tree Board shall be appointed by the Mayor with the approval of the City Council. Members of the Board shall serve without compensation.

3. Terms. The term of each member shall be for four (4) years, except initially there shall be appointed three members for each of the following terms of two, three and four years respectively, and two members for one year. When a vacancy occurs, the Mayor with the approval of the Council shall appoint a person to fill the unexpired term.

4. Procedures.

   A. The Board shall elect a Chairperson, Vice-Chairperson and Secretary from among its members and create and fill such other offices as it may deem necessary.

   B. The Chairperson shall call at least one regular meeting of the Board every two months. More frequent meetings may be held as business requires.

   C. No business may be transacted in the absence of six members of the Board authorized to vote.

   D. The Board shall adopt rules for transaction of business and the secretary shall keep a record of all transactions, correspondence, findings and determinations. All records of the Board are public and may be inspected at all reasonable times. Said records shall be kept in the City Hall.

   E. Minutes of all of the Board's meetings shall be provided to the Chairperson of the Conservation Commission and the Parks and Recreation Commission.

F. All Board meetings shall be open to the public, and shall be publicly announced in the local news media at least twenty-four (24) hours prior to the meeting. The Commission shall have the right to executive sessions to the extent permitted by state statute.

SECTION 6-753 DUTIES OF TREE BOARD

The Tree Board shall make recommendations to the City Manager with respect to the selection, acquisition, planting and location of new trees, shrubs and plants and the selection, removal and replacement of existing trees, shrubs and plants on public property. The Tree Board may make recommendations to the City Manager concerning the care and preservation of trees, shrubs and plants on public property. The City Manager may carry out any of the Board's recommendations, subject to appropriations for such purposes, through use of the Public Works Department or contractual services.

SECTION 6-754 TREE WARDENS

The Mayor with the advice and consent of the City Council may appoint one or more members of the Tree Board to serve as Tree Wardens for a term of one year. The Tree Wardens shall have enforcement authority as provided under 30-A M.R.S.A. §3282 with respect to the preservation and care of public trees.

SECTION 6-755 VIOLATIONS, PENALTIES

It shall be unlawful for any person to trim, cut, or otherwise destroy any tree or shrub located on public property of the City or within the limits of any public way, except as permitted by statute. Any person who violates this section commits a civil violation for which the City may recover civil penalty under Section 1-109 and other civil remedies provided by law.

[Derivation: Ordinance No. 98-5, effective November 19, 1998]