

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 15, 2010

The following ordinance has been read, first reading at the regular City Council meeting held Thursday, November 4, 2010. Copy of said ordinance is posted in accordance with the City of Augusta Charter, Article II, Section 9.

Second reading will be held December 20, 2010 at 6:30 p.m., at a Special City Council Meeting, Council Chambers, City Center.

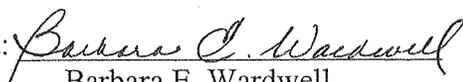
WHEREAS, the City Council finds that the criteria for approving a Text Amendment to the Land Use Ordinance, found in section 1.6.1.A, has been satisfied; and

WHEREAS, the City Council finds that bituminous mix plants and ready mix concrete plants in the Rural River 2 zoning district conflict with residential uses in that district to such a degree that no new plants should be permitted and all existing plants should be eliminated at the end of their current licensing period; and

WHEREAS, snow dumps and crushing/screening operations are found to be acceptable and critical accessory uses of a mineral extraction site; and

WHEREAS, the City Council finds that all bituminous mix plants and ready mix concrete plants require Planning Board review and the opportunity for public input, regardless of size or location; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance and the Mineral Extraction Ordinance be amended as follows: (Full document available at Clerk's office)

Attest:   
Barbara E. Wardwell  
City Clerk

## **Application to Airport Advisory Committee**

Name: Paul F. McClay  
Address: 28 Colony Road  
City: Augusta  
State: ME  
Zip Code: 04330  
Phone (w): 207-622-1539  
Phone (h): 207-622-9260  
Phone (c): 207-458-2264  
Fax: 207-512-2856  
Email: PaulMcClay@msn.com

### **Reason for seeking appointment:**

I have been asked to serve.

### **Education, training or experience relevant to appointment sought and any prior service on community boards:**

Marketing, Public Relations since 1973. Served on Water District. Information should still be on file.

### **Special skills, knowledge, talents, insights, or point of view that you might offer to the Board or Committee and any objectives you may have for the position:**

Experience in Marketing, Market Research and Communications that may be helpful in the committee's efforts to maintain a viable airport.

**Development Services  
Necessary changes to Code of Ordinances**

*The following articles, currently located under Chapter 6 City Services will remain in the same Chapter, but be retitled Development Services and will be renumbered as follows:*

**ARTICLE I. IN GENERAL**

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**Sec. 6-1. Director.**

The position of Director of Development Services is hereby created, which position shall be appointed by the City Manager with the advice and consent of the City Council. The Director of Development Services is responsible for the direction and coordination of the following bureaus: Engineering, Facilities Maintenance, Code Enforcement and City Planning. The duties of the Director of Development Services include providing broad technical and administrative direction to the bureaus listed in this section and planning and coordinating all activities carried out by city personnel in such bureaus. The duties include the development of city policies and programs with respect to the city's infrastructure, long term capital needs and physical plan and the implementation of such programs and policies as adopted by the City Council. Assignments and direction to accomplish the various functions of the position shall be made by the City Manager. The Director of Development Services shall in addition to the duties set forth above, perform general administrative duties assigned and/or delegated to that person by the City Manager, oversee and direct the personnel and resources of the Office of Economic and Community Development and oversee and direct the personnel and resources related to the operation of the Augusta Airport. (Ord. No. 450, 7-21-86; Ord. No. 549, 6-1-98)  
Secs. 6-2--6-30. Reserved.

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**ARTICLE II – Code Enforcement (NO CHANGES)**

**ARTICLE III – Planning (NO CHANGES)**

**ARTICLE IV STREETS AND SIDEWALKS\***

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**DIVISION 1. GENERALLY**

**Sec. 6-198. City Engineer to render professional aid to Manager, Council; records to be maintained.**

Deleted: 223

- (a) 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 Engineering Bureau.
- (b) It shall be the duty of the City Engineer to render professional aid when required by the City Manager or Council, for the purpose of laying out streets or ascertaining if any encroachments are made thereon, marking lines and angles of streets.
- (c) The City Engineer shall keep a record of his surveys, and also perform all other professional acts, services or other duties required of him by the City Manager or Council.

(Code 1970, § 20-3)

**Sec. 6-199. Collection of information; public records.**

Deleted: 224

The City Engineer shall collect all plans, estimates, field notes, profiles, records of street bounds and all other information which can practically be obtained relating to city streets. The City Engineer shall maintain records of such information which shall be made readily accessible to all citizens.

(Code 1970, § 20-4)

**Sec. 6-200. Records of surveys.**

Deleted: 225

The City Engineer shall keep a record of his surveys.

(Code 1970, § 20-5)

**Sec. 6-201. Work disturbing monuments, markers.**

Deleted: 232

Whenever the city in the course of its work disturbs a permanent monument or surveyor's marker, within one (1) month unless the season prohibits it (in which case it shall be done within no more than six (6) months, if not possible), record on the City Engineer's records the former location with proper tie-ins.

(Code 1970, § 20-12)

**Sec. 6-202. Building and street numbering procedure.**

Deleted: 233

(a) Subject to the exceptions in this section, the buildings and lots on all streets that may be hereafter laid out and those already laid out but not numbered shall be numbered as follows at the time that such streets are accepted by the city, and for any street already laid out, two-thirds of the landowners thereon petitioning thereafter shall be required before such streets are numbered in the same manner: On the streets that run lengthwise of the city territory, beginning at the northerly termination, with numbers one (1) and two (2), and progressing southerly, with the odd numbers on the easterly side of the street and the even numbers on the opposite side; and on the transverse streets, beginning at the end nearer the river with numbers one (1) and two (2), and progressing in a direction away from the river, with the odd numbers on the northerly side of the street and even numbers on the opposite side.

(b) Any street that terminates at a dead end, or begins within the city and continues beyond the city limits before termination, or which has potentialities of future additions, shall have its inception of numbering at the street from which it radiates rather than by the general system set forth in the previous paragraph except that the part thereof which prescribes the position of the odd and even numbers shall also be applicable hereunder.

(c) There shall be a number allotted for every lot of land fronting on a street for each fifty (50) feet as measured along the centerline of the street. Any main entrance of a building falling between two (2) lines at right angles to the centerline at the fifty-foot points shall be allotted at the number designated between the two (2) right-angle lines, excepting that on streets that are compactly built up a number shall be assigned for each ten (10) feet of frontage, and to adjoining vacant lots proportionally, and corner lots shall be numbered on both streets. It shall be the duty of all building and residence owners to see that proper street numbers shall be placed on the front part of each building where such number can be readily seen from the street.

(d) The City Engineer shall denote house numbers, as assigned, on copies of the city tax maps, which shall be kept on file in the City Engineer's office.

(e) Water Street and Cony Street from the Kennebec Bridge to the intersection of Bangor Street are specifically excepted from this section, their present numbering system being retained.

(f) The members of the Police Department shall make an inspection of the streets from time to time, and shall call the attention of any owner to the absence on his building or residence of the street number required by this section. Within thirty (30) days after the warning, if the number has not been placed upon the building or residence, the owner shall be subject to the provisions of section 1-10. In case there is any question as to the proper number to be used on the properties, inquiries should be made of the City Engineer for the proper number.

(g) The west side rotary known as Memorial Circle shall be numbered beginning at the point where Memorial Drive begins (running easterly from P.C. Station 90+47.04 as shown on a map of State Highway Q dated March 1948 and revised May 1949, Sheet 1 of 5, S.H.C. File No. 6-43, recorded in the Kennebec County Registry of Deeds, Plan Book 17, pp. 58-59) with number 1 Memorial Circle being allotted to the first property located north of Memorial Drive and abutting the most northeast segment of the rotary right of way, which property is presently owned by Walgreen's, with the numbers increasing in a counter-clockwise direction around such rotary. There shall be a number allotted for every lot of land fronting on the rotary (as defined by its extreme right of way limits and lack of a street address) for each fifty feet of frontage on same. The provisions of subsection (f) of this section shall apply to Memorial Circle.

(Code 1970, § 20-13; Ord. No. 346, 6-20-88; Ord. No. 244, 1-6-92)

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#### **Sec. 6-203. Oversize vehicles and equipment.**

(a) No vehicle shall move objects having a length or width or height or weight greater than specified in 29 M.R.S.A. over any way or bridge maintained by the city without applying in writing on a form furnished by the City Clerk. A bond or cash deposit sufficient to indemnify the city for all damages it may suffer may be required by the City Engineer and shall be approved by the City Manager. Each application shall be approved by the City Engineer and the Police Department. The fee for the permit shall be set from time to time by the Council. A schedule of the fees is on file in the City Clerk's office.

(b) No vehicle shall be moved having a length, width, height or weight greater than specified in 29 M.R.S.A. over any way or bridge maintained by the city between the hours of 7:30 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m. and 4:30 p.m. to 5:30 p.m. daily; except on Sundays and legal holidays. A permit may be approved by the Police Department and the City Engineer or his designate to move vehicles of greater specifications during the above times under conditions set forth by the Police Department and the City Engineer or their designates, if it can be shown that an emergency or public convenience and necessity require the same.

(c) Long term moving permits not to exceed one (1) year may be issued to local firms or activities which frequently move large equipment. The fee for the permit shall be set from time to time by the Council and a schedule of such fee is on file in the City Clerk's office. The permit holder shall notify the Police Bureau each time a move is to be made. A bond shall be required in an amount to be determined by the City Engineer and approved by the City Manager. The maximum allowable dimensions for a yearly permit shall be fourteen (14) feet wide, fourteen (14) feet high, and eighty-five (85) feet long.

(Code 1970, § 20-15; Ord. No. 244, 1-6-92)

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#### **Sec. 6-204. Construction area permit--Required; scope; bond.**

Deleted: 236

A permit must be procured in the manner set out in section 6-35 in cases where construction areas encompass the city. Such permit shall provide the contractor with the responsibility for damage to any street used in the 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 Council. The construction area permit shall carry no fee, but shall be approved by the Director of Public Works and the Police Department. No cleated vehicle shall be allowed on any paved street.  
(Code 1970, § 20-16; Ord. No. 244, 1-6-92)

**Sec. 6-205. Same--Deposit to cover police services.**

Deleted: 237

Prior to the issuance of a permit required by section 6-236 the applicant shall deposit with the City Treasurer an amount of money to be established by the Police Department for the payment of police services. Upon completion of the work, the person making such deposit shall be credited and if the actual cost exceeds the deposit, such person shall be billed in that amount.

(Code 1970, § 20-17; Ord. No. 244, 1-6-92)

**Sec. 6-206. Fee schedule for police escorts.**

Deleted: 238

The fee for police escorts within the city may be reviewed and adjusted annually by the City Council according to the current union contract.

(Code 1970, § 20-18)

**Sec. 6-207. Moving buildings--License; bond.**

Deleted: 239

The Director of Public Works upon petition as set forth in section 6-240 shall have the 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 or cash deposit in lieu of bond to indemnify the city for all damages which it may suffer. The bond amount shall be determined by the Director of Public Works and shall be approved by the City Manager. The city reserves the right to remove a building stopped in transit in excess of eight (8) hours.

(Code 1970, § 20-19)

**Sec. 6-208. Same--Petition to state present, future location.**

Deleted: 40

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

(Code 1970, § 20-20)

**Sec. 6-209. Same--Violations.**

Deleted: 41

Any person who is concerned in moving any house, store or other building through any street without first obtaining a license and giving bond, as required by section 6-239 shall be subject to the provisions of section 1-10.

(Code 1970, § 20-21)

**Sec. 6-210. Cutting or trimming trees; permit required.**

Deleted: 42

No person except the City Engineer or Tree Warden 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 from the Engineer or Tree Warden and posting satisfactory

evidence of financial responsibility to meet any claim for personal injury or property damage which might arise from the cutting or trimming.

(Code 1970, § 20-22)

**Cross references:** Tree Warden, § 6.5-353 et seq.

**Sec. 6-211. Use of area beside streets.**

Deleted: 44

(a) No person shall use the land area between the outside of the city travel way (wrought way) for vehicles and the legal limits of the public right-of-way on Winthrop Street between the east side of Pleasant Street extended southerly to cross Winthrop Street and Blaine Avenue except for the present city sidewalks, pedestrian walkways to land of adjacent abutters, right-angle driveways to land of adjacent abutters connecting with a private driveway on the abutter's property, except for the following which shall be considered grandfathered situations:

- (1) Crescent driveways installed prior to the enactment of the current ordinance (1990).
- (2) Crescent driveways installed after the enactment of the current ordinance (1990) which do not exceed fifty (50) percent of the land area between the legal right-of-way line and the city travel way (wrought way).

(b) Except for existing right-angle driveways and those crescent driveways grandfathered per paragraph (a) above, driveways for use by an abutter or their tenants shall not exceed twelve (12) feet in width on the land areas between the legal right-of-way line and the city travel way (wrought way) for vehicles.

(c) Any crescent driveway shall be blacktopped by the abutting property owner, and all such driveways and walkways shall be approved as to design and construction by the City Engineer and constructed at the cost of the abutting property owner.

(d) The crescent driveways on Winthrop Street shall be considered driveways.

(e) Reserved.

(Code 1970, § 20-27; Ord. No. 90, 6-3-91; Ord. No. 024, 3-21-05; Ord. No. 025, 3-21-05)

**DIVISION 2. DEVELOPMENT OF NEW STREETS**

**Sec. 6-212. Compliance with Code prior to approval.**

Deleted: 61

No streets in a new development shall be approved by the Council as a public way unless the provisions of this Code relating to streets have been complied with and the street is in conformance with a subdivision plan approved by the Planning Board.

(Code 1970, § 20-40)

**Sec. 6-213. Applicant's engineer to furnish exact location.**

Deleted: 62

Applicants for the acceptance of new streets shall have their engineer locate the exact corners, angles and curves of such street on the ground and on a development plan provided for in this division. Grade and location stakes shall be left undisturbed during construction.

(Code 1970, § 20-41)

**Sec. 6-214. Extent of construction.**

Deleted: 63

All streets shall be built to the furthest property line of abutting lots, or to the farthest point of a turnaround, or at least one hundred (100) feet along the frontage of abutting lots if such lots exceed one hundred (100) feet in width.

(Code 1970, § 20-42)

**Sec. 6-215. City Engineer to check, approve development plan.**

Deleted: 64

The development plan required by this division shall be furnished to the City Engineer for his approval before it is recorded and in adequate time for him to check the plan and the locations on the ground.  
(Code 1970, § 20-43)

**Sec. 6-216, Grading specifications.**

Deleted: 65

- (a) No street shall be approved until it has been graded by the developer to its full width and length for which acceptance is requested in conformance with the subdivision ordinance.
- (b) The entire area of every such street shall be cleaned of all stumps, roots, bushes, perishable materials and all trees not intended for preservation. All loam and loamy material and clay shall be removed from the limits of the street, inclusive of the sidewalks to such depth as may be approved by the City Engineer.
- (c) The entire area of the street shall be subgraded by the developer to a subgrade as determined by the City Engineer. The plan and profile will show finish grade. Gravel-base thickness will be determined by the City Engineer, dependent upon ground and soil limitations. In no case will base gravel be less than twenty-four (24) inches. The developer is to perform the rough grading to within one (1) inch of subgrade. The developer shall also provide land, if necessary, for cut or fill slopes beyond the limits of the street right-of-way, and such cut and fill shall be rough graded by the developer before lay-out work by the city begins.
- (d) Any underground installation including any sewer, drain or water line on such street shall be constructed before any base gravel or pavement material is placed thereon. The developer shall make adequate provision for the disposal of surface water in the form of culverts, ditches and catch basins in any places where the grading of the street to subgrade may obstruct the natural drainage of the area. If unusual groundwater conditions or a high water table exists, underdrains may be required. Underdrains in a development, if deemed necessary by the City Engineer, will be installed by the developer to meet the specifications of the City Engineer. The Guideline of Good Practice for Utility Locations in Urban Public Ways as revised should be followed wherever feasible.
- (e) After the sewerage system has been installed by the Sanitary District and the water mains installed by the Water District, the roadway shall be fine graded by the developer to the grade shown on the plan. The roadway shall be graded with a gravel base of at least twenty-one (21) inches and a surface cover of at least three (3) inches of good binding gravel or crushed stone, exclusive of any gravel deposited by the developer for temporary use during construction in the development.
- (f) The sidewalks shall be graded with twenty-four (24) inches of good binding gravel.
- (g) The developer shall be responsible for the entire cost of constructing and finishing the street. All construction shall be in accordance with specifications contained in this division including the following:
  - (1) The developer shall submit to the City Engineer's office all grades for approval.
  - (2) The developer shall be responsible for establishing stakeout and grading control.
  - (3) The developer shall subgrade the proposed street to two (2) feet below finish grade. If a groundwater problem is encountered, the City Engineer retains the right to require underdrain.
  - (4) The gravel shall be in accordance with the latest State Department of Transportation specifications for aggregate base and subbase.
  - (5) Gravel shall be placed by one (1) of the following methods:
    - a. Upon approval of subgrade, place sixteen (16) inches of six (6) inch minus gravel, and wait until the next construction season for natural compaction. Maintenance during

this time, as required for traffic and erosion protection, shall be the developer's responsibility.

2. Complete roadways, with adequate mechanical compaction of each lift.

b. Upon approval of subgrade, place sixteen (16) inches of six (6) inch minus gravel and immediately compact with an adequate vibratory machine and complete roadway as in paragraph a.1.

(6) The paving shall consist of an approved bituminous plant mix in two (2) layers. The total thickness shall be three (3) inches. The base course shall be two (2) inches and the finish course shall be one (1) inch. No paving will be permitted upon frozen surfaces or at temperatures less than forty (40) degrees Fahrenheit.

(7) Curbing shall be a seven-inch bituminous curbing placed prior to the finish paving.

(8) Sidewalks where required shall be two and one-half (2 1/2) inches thick, consist of a two-inch base and one-half-inch wearing surface.

(9) The City Engineer shall be responsible for the inspection of all work.

(h) All new city streets will be of bituminous concrete surface with a two-inch base course, a one-inch finish course, six-inch hot top asbestos asphalt concrete curbs, and a one- to one-and-one-half-inch sidewalk surface. The one-inch finish course will be placed at such time as mutually agreed by the developer and City Engineer dependent upon development construction and base condition. Liability for repairs to sidewalk or finished street damaged during construction shall be borne by the holder of the building permit.

(i) All utility poles shall be located on the private property side of the sidewalk, and in the utility easement wherever one is available. Whenever feasible, utilities shall be placed underground.

(Code 1970, § 20-44)

**Sec. 6-217. Filing of plan, profile, written agreement of property owners.**

Deleted: 66

(a) Applicants for the acceptance of new streets must file a plan and profile of such street showing the street lines and elevations of all existing buildings, the lots as laid out on the street together with the names of all owners of abutting property. Such plan shall be filed with the City Engineer who will set or approve the grade and designate or approve the design of such street. Copies of the plans shall be furnished to all utilities.

(b) The application shall include an agreement in writing by the petitioners who must include the owners of at least two-thirds of the frontage on both sides of the portion of the street sought to be accepted to pay their proportional share of the cost of the street, in accordance with city ordinances.

(Code 1970, § 20-45)

**Sec. 6-218. Procedure for acceptance.**

Deleted: 67

Upon the receipt of plans for the development of new streets together with a petition for their approval, accompanied by a satisfactory agreement executed by the petitioners to protect the city from all damages, including the cost of litigation which may be caused by changes in line or grade, the ordinary procedure for the acceptance of new streets as provided in this article will apply.

(Code 1970, § 20-46)

**Sec. 6-219. Required frontage, depth of lots prior to approval of development plans.**

Deleted: 68

Generally, development plans of new streets will not be approved if the lots have a frontage of less than:

(1) One hundred (100) feet and a depth of less than one hundred (100) feet where there is public water and sewer.

(2) Less than one hundred (100) feet frontage and a depth of two hundred (200) feet where there is only public water or sewer.

(3) One hundred twenty-five (125) feet frontage and two hundred forty (240) feet depth where there is no public water or sewer.

(Code 1970, § 20-47)

**Sec. 6-220. Approval of right-of-way, filing of deed prior to acceptance.**

Deleted: 69

Prior to the acceptance of a new street, the right-of-way shall be approved by the city and a deed to the land shall be filed with the City Engineer. The requirements of the subdivision ordinance shall be followed. Presenting of and recording of a deed shall not constitute acceptance of a street or acceptance of dedication of a street.

(Code 1970, § 20-48)

**Sec. 6-221. Builders duty to obtain line, grade prior to construction; city's liability.**

Deleted: 70

(a) After a street has been accepted by the city in accordance with the provisions of this article, anyone proposing to build on such street shall obtain the street line and grade from the City Engineer 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 nonconformance. The building permit shall carry the grade of the house and the grade of the street.

(b) On unaccepted streets, street line and proposed grades may be obtained from the City Engineer. 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.

(c) When a street is reconstructed there shall be no city work grading onto private property, unless agreement is reached with the property owners.

(Code 1970, § 20-49)

**Sec. 6-222. Installation of steel rods; survey for locating.**

Deleted: 71

In applying for the acceptance of a new street, the applicants shall agree in writing to furnish the city with solid, nondeformed steel rods of sufficient height and a diameter of five-eighths inch. The applicant shall, within thirty (30) days after the street is finished, install the steel rods at all points of curvature and tangency, angle points and street intersections. The applicant shall also furnish the survey for locating the right-of-way monuments.

(Code 1970, § 20-50)

**Sec. 6-223. Approval; recording of plot, subdivision plan prior to street construction.**

Deleted: 72

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 until such plan has been approved by the Planning Board and recorded in the Kennebec 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.

(Code 1970, § 20-53)

**Sec. 6-224. Underground utilities areas; installation of streetlight poles.**

Deleted: 73

In a subdivision in which underground utilities are to be provided by the developer, prior to the acceptance of the street it will be necessary that easements with a right-of-way width to be determined by the City Engineer shall be provided, but in no case be more than ten (10) feet as required by the subdivision ordinance. It shall be the responsibility of the developer to provide and install poles for street lights at each intersection and at intervals of not less than three hundred (300) feet; the type of pole shall be approved by the City Engineer. The poles shall become the property of the Central Maine Power Company.

(Code 1970, § 20-54)

**Sec. 6-225. Public notice required for street acceptance.**

Deleted: 74

A public notice shall be published in the Kennebec Journal for three (3) days no more than seven (7) days prior to the first reading of acceptance of a street. Cost of the notice shall be paid in advance by the developer.

(Code 1970, § 20-55)

**Sec. 6-226. Moratorium on city participation in new street development.**

Deleted: 75

(a) From and after the effective date of the ordinance from which this section derives, the City Council shall no longer accept petitions for new streets except as set out in subsection (b) of this section, and the obligations of the city with respect to economic participation in the development of new streets, as determined by this article shall be suspended, with the same effect as if this article were repealed.

(b) Developers of new streets may petition for new street construction during the effective period of this section; provided, however, that the developers' share of the cost of finishing the street as referred to in section 6-265(f) shall be determined by the City Council at the time of submission of the petition, and shall be equivalent to the city's actual total cost of finishing the street.

(c) The rates shown on Diagram 1, Typical Street Cross Sections, Augusta, Maine, are specifically suspended during the effective period of this section.

(d) This section shall not take effect as to any streets which are the subject of accepted street petitions, except that in those cases where payment of one-half of the developers' share has been deferred under section 6-265(f), payment of the deferred portion must be made within one (1) year of the date of payment of the first installment, and demand for such payment within such time period is hereby made in compliance with section 6-265(f).

(e) After the lapse of the one-year period referred to in subsection (d) of this section preceding sentence, the rates shown in Diagram 1, Typical Street Cross Sections, Augusta, Maine, shall no longer apply to said streets and it shall thereafter be mandatory for the developer to pay for the full cost of completing the street surfacing at the actual cost as determined by the City Council.

(f) This section is specifically intended to take precedence over any and all provisions of the Code of Ordinances that are inconsistent herewith and adopted prior hereto. All other provisions of the Code regarding procedures and requirements for laying out and developing streets in the city shall be unaffected hereby.

(g) This section shall become null and void at such time as the petition drive, currently being undertaken pursuant to state law for the purpose of requiring a referendum to establish a mandatory limit on taxes and expenditures, fails to achieve the required signatures, or at such time as a referendum held pursuant to the petition drive results in

a defeat of the amendment proposed pursuant to the referendum. At such time as this section becomes null and void, all of the provisions of the Code of Ordinances inconsistent herewith shall be reinstated with full force and effect.

(Code 1970, § 20-56)

Secs. 6-276--6-290. Reserved.

#### **DIVISION 4. SANITATION**

##### **Sec. 6-227. Sanitation Officer--Duties generally.**

The Sanitation Officer shall do the following:

- (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 and sanitation 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 and make a report thereof to the Health Officer.

(Code 1970, § 11-11)

**Cross references:** Innkeepers and victualers, § 11-7 et seq.

Deleted: 316

##### **\*Sec. 6-228. Same--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 Sanitation Officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits an amount in accordance with section 1-10, and the officer shall cause the nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the city by such occupant or owner, or by the person who caused or permitted it.

(Code 1970, § 11-12)

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##### **\*Sec. 6-228. Same--Authority to order cleaning of privies; cleaning by city.**

(a) Whenever, in the opinion of the Sanitation Officer, any privy, vault, cesspool or septic tank shall become offensive to the safety, health, comfort or convenience of the public, he shall give notice requiring the owner or occupant of the premises to clean, remove or alter the same in a manner satisfactory to the officer within ten (10) days from the day of the notice.

(b) Should the owner or occupant of premises fail to clean, remove or alter the privy, vault, cesspool or septic tank within the time specified, the officer shall cause the work to be done, and all expense thereof shall be repaid to the city by such owner or occupant.

(Code 1970, § 11-13)

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**\*Sec. 6-229. Accumulation of offensive refuse; disposal.**

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The collection of refuse matter in or around the immediate vicinity of any dwelling house or place of business, such as swill, waste of meat, fish or shells, bones, decaying vegetables, dead carcasses, excrement or any kind of offal that may decompose and generate bacteria or unhealthy gases shall be considered a nuisance and shall be disposed of in such a manner as not to be offensive.

(Code 1970, § 11-21)

Sec. 6-320. Reserved.

**Article V – Airport**

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**DIVISION 1. AIRPORT ADVISORY COMMITTEE**

**Sec. 6-230. Established.**

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(a) That the Airport Advisory Committee be established as a standing committee of eight (8) members with three-year staggered terms, including:

One (1) City Councilor;

Two (2) members representing the business community;

One (1) member representing the airport tenant community;

One (1) member representing the local travel/hospitality industry;

Three (3) members representing the general public.

(b) The purpose of the Committee shall be to advise the Mayor and Council, the City Manager, the Director of Economic and Community Development and the Airport Manager in matters related to the City of Augusta's management and operation of the Augusta State Airport; to foster, encourage, promote and assist in the current use and future development of the Augusta State Airport; to foster and promote awareness of the airport, its facilities and the services of its tenants within the local area business community, state and local government, and the general public; to assist and cooperate with other organizations in all matters relating to the general welfare of the airport; and to represent the airport at any appropriate forum.

The committee may also recommend municipal appropriations for the development of on- or off-site infrastructure and income-producing facilities, and for meeting the administrative and other expenses of the airport.

The Chair shall be the sitting City Council member. All appointments to the committee shall be made by the Mayor, with input from the City Council.

(c) All meetings of the Airport Advisory Committee shall be open to the public, and the committee will keep record of its proceedings. The committee members will annually elect officers, as the committee may deem appropriate.

(Ord. No. 674, 10-19-98; Ord. No. 068, 5-1-06)

Former ARTICLE V – Solid Waste was moved to new Public Works chapter 6.2

**Public Works reorganization  
Necessary changes to Code of Ordinances**

The following articles, currently located under Chapter 6 City Services will become Chapter 6.2 Public Works

**ARTICLE I. IN GENERAL**

**Sec. 6.2-1. Director.**

The position of Director of Public Works is hereby created, which position shall be appointed by the City Manager with the advice and consent of the City Council. The Director of Public Works is responsible for the direction and coordination of Streets and Sidewalks, the Central Garage and the Hatch Hill Solid Waste facility. The duties of the Director of Public Works include providing broad technical and administrative direction to and planning and coordinating all activities carried out by city personnel in these areas. The duties include the development of city policies and programs with respect to maintenance of the city's infrastructure, long term capital needs and the implementation of such programs and policies as adopted by the City Council. Assignments and direction to accomplish the various functions of the position shall be made by the City Manager. The Director of Public Works shall in addition to the duties set forth above, perform general administrative duties assigned and/or delegated to that person by the City Manager, oversee and direct the personnel and resources of the Public Works department.

(Ord. No. 450, 7-21-86; Ord. No. 549, 6-1-98)  
Secs. 6-2--6-30. Reserved.

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**ARTICLE II, STREETS AND SIDEWALKS\***

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\*Cross references: Bicycles, Ch. 5; planning, § 6-101 et seq.; traffic and motor vehicles, Ch. 18; vehicles for hire, Ch. 19; zoning, App. A.

**DIVISION 1. GENERALLY**

**Sec. 6.2-156. Supervision generally.**

It shall be the duty of the Director of Public Works, with the assistance of the Deputy Director of Public Works, to superintend the general state of the streets, sidewalks, public landing places, municipally controlled parking areas and public ways, and attend to the repairs, maintenance and care of same.

(Code 1970, § 20-1)  
(Code 1970, § 20-2)

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- Deleted: Sec. 6-222. Administration of Public Works Bureau.¶ The Director of Public Works shall have general supervision over and shall administer all operations of the Public Works Bureau including all work performed.¶
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**Sec. 6.2-157. Care of city vehicles, equipment.**

The Director of Public Works shall take the general care of all highway vehicles and equipment owned by the city.

(Code 1970, § 20-6)

**Cross references:** Traffic and motor vehicles, Ch. 18.

**Sec. 6.2-158. Reporting of nuisances, obstructions, etc.**

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The Director of Public Works shall give notice to the City Manager or Director of Public Safety of any nuisance, obstruction or encroachment upon the streets, sidewalks and public landing places.

(Code 1970, § 20-7)

**Sec. 6.2-169. Encroachments; abatement.**

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The Director of Public Works or the Director of Code Enforcement shall see that no encroachment is made upon any street, public landing place, square or property of the city by fences, buildings or otherwise. Whenever any encroachment is made thereon, and the party making the same neglects or refuses to remove it, the Director of Public Works shall, with the aid of the Corporation Counsel, cause the person offending to be prosecuted, and the nuisance abated.

(Code 1970, § 20-8)

**Sec. 6.2-160. Closing for repair, reconstruction.**

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The City Manager or the Director of Public Works may at any time close a street to the passage of motor vehicles to repair or reconstruct the street or utilities under it or in the right-of-way due to any emergency or damage. If the Director of Public Works exercises such authority, he shall notify both the City Manager and Police Chief and Fire Chief of such action. Long term closing for major reconstruction shall require a vote of the City Council.

(Code 1970, § 20-9; Ord. No. 244, 1-6-92)

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**Sec. 6.2-161. Compliance with state law.**

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The laying out, establishing, altering, discontinuing, vacating and widening of streets shall be in accordance with 23 M.R.S.A. § 1 et seq.

(Code 1970, § 20-10)

**Sec. 6.2-162. Records of laying out, altering streets.**

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A complete record of the proceedings of the Council in laying out or altering any street, including the petition therefor and notice and return thereon, shall be maintained by the City Clerk.

(Code 1970, § 20-11)

**Sec. 6.2-163. Driveways.**

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(a) The City Engineer is authorized and directed to determine all driveway locations and widths in the city to and including thirty-five (35) feet in the clear. Requests for driveway entrances in excess of a width of thirty-five (35) feet in the clear per owner shall be referred to the Council and shall be granted when approved in writing by the Council. At least a six-foot island shall be maintained between driveway entrances on an owner's land whenever practical.

(b) A request for a curb cut for a driveway must be approved by the City Engineer. The work will be performed by the Bureau of Public Works or a contractor authorized by the Public Works Director. All new surfaces will be bituminous hot top, and such work will extend only to the rear of the sidewalk line. All costs for such cuts shall be borne by the

property owner and, if the city does the work, will be paid in advance as set from time to time by the Council. A schedule of the rates is on file in the office of the City Clerk.

(c) A request for a curb closure for an existing curb opening must be approved by the City Engineer. The work will be performed by the Bureau of Public Works or a contractor authorized by the Public Works Director. All new surfaces will be bituminous hot top, and such work will extend only to the rear sidewalk line. All costs for such curb closures shall be borne by the property owner and will be paid in advance according to the schedule of rates on file in the office of the City Clerk.

(d) The City Council may adjust rates annually by the first of May by order. Such rates will apply until further adjusted.

(Code 1970, § 20-14; Ord. No. 33, 3-20-89)

**Sec. 6.2-164. Excavated material falling from trucks; removal from street.**

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Any person engaged in the excavating of in excess of five (5) cubic 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 the vehicles onto any street within twenty-four (24) hours after written notice from the Director of Public Works or the Police Department and shall be liable for failure to do so of a penalty in accordance with section 1-10.

(Code 1970, § 20-23; Ord. No. 244, 1-6-92)

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**Sec. 6.2-165. Use of city equipment on private ways.**

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All private ways located in the city which were being maintained by the city as of January 1, 1986, are to be maintained and kept open through the use of city-owned equipment until such time as specific action by the City Council ceases the activity on such way or ways. This section is enacted based upon the Council's findings that it is in the best interest of the city to maintain and use its highway equipment on such ways in order to provide police and fire protection to the inhabitants living on the ways and to the general public.

(Ord. No. 311, 1-21-86)

Secs. 6-246--6-260. Reserved.

**DIVISION 3. EXCAVATIONS**

**Sec. 6.2-166. Permit required.**

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No person except the Director of Public Works shall make or cause to be made any excavation or dig up paving in any street until he has paid the required fee and has received a written permit therefor from the Director of Public Works, except in any emergency, in which case such permit shall be secured within twenty-four (24) hours after the street has been opened. Permits shall only be issued to public utilities or their agents. The provision of this section may be waived by the Director of Public Works.

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(Code 1970, § 20-77; Ord. No. 451, 8-15-88)

**Sec. 6.2-167. Issuance of permits; records.**

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The Director of Public Works shall be authorized to issue excavation permits, shall keep a record of all permits granted by him, all work done by city employees excepted.

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(Code 1970, § 20-78)

**Sec. 6.2-168. Fee schedule.**

A flat fee, payable to the City Treasurer, shall be made for openings made within the right-of-way of any accepted city street. The rate may be adjusted annually by the City Council by order so long as such adjustment is made prior to the first of May. Such rate will apply until further adjusted. The fee shall be set from time to time and a schedule of such fees is on file in the City Clerk's office.  
(Code 1970, § 20-79)

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**Sec. 6.2-169. Qualifications of permit applicant.**

Before any excavation permit shall be issued, the applicant shall satisfy the Director of Public Works that the applicant possesses the financing, knowledge, skill, equipment and material to perform the complete scope of work.  
(Code 1970, § 20-80)

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**Sec. 6.2-170. Planning, inspection and approval procedures.**

(a) Before any excavation permit shall be issued, a plot plan and time schedule for any street opening shall be filed with the Director of Public Works.

(b) The work in progress shall be open to the Director of Public Works and his designated inspectors for the purpose of inspecting and enforcing the provisions of this division.

(c) Upon completion of any project, the Director of Public Works shall cause to be issued a certificate of satisfactory completion.  
(Code 1970, § 20-81)

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**Sec. 6.2-171. Manner of work generally.**

All pavement shall be cut before excavations in such manner that the road surface will be exposed in a clean, sharp, straight edge. Trench sides will be shored so as to prevent any fallout from under the undisturbed pavement. All safety requirements necessary to perform the work in a safe, workmanlike manner will be followed.  
(Code 1970, § 20-82)

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**Sec. 6.2-172. Backfilling.**

Backfilling shall consist of placing suitable material in all spaces excavated and not occupied drainage or other underground structures, up to three (3) inches from the existing surface. Backfill material shall consist of fine, readily compressible soil or granular material, near optimum moisture content, and shall not contain large stones, frozen material or any other objectionable material. The final eighteen (18) inches of fill under road surfaces, shoulders or sidewalks shall consist of graded gravel to the specification of the Director of Public Works. All material shall be distributed in not more than twelve-inch layers, and each layer compacted by approved compaction methods before another layer is placed. Water may be added only to improve mechanical compaction. Puddling or jetting will not be allowed. All sheeting and bracing material may be removed as the backfill operation is in progress.  
(Code 1970, § 20-83)

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**Sec. 6.2-173. Replacement of surface.**

Paved surfaces shall be repaired temporarily with an approved cold patch to a compacted depth of three (3) inches, rounding about one (1) inch above the existing pavement surface. Shoulders shall be brought level with existing grades with coarse

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gravel. Surfaces outside the pavement line but within the right-of-way shall be filled to existing grade to match existing material. Lawn surfaces within the right-of-way shall be finished with six (6) inches of loam, raked, seeded and rolled.  
(Code 1970, § 20-84)

**Sec. 6.2-174. Maintenance.**

The Department of Public Works is charged with the upkeep and maintenance of any street opening after a completion certificate is issued under section ~~6.2-169~~. The Bureau of Public Works will also, after a satisfactory period of time has passed to allow for settlement, excavate the cold patch surface, and permanently repair the opening to the specifications of the Director of Public Works.  
(Code 1970, § 20-85)

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**Sec. 6.2-175. Fences, barricades, lights.**

When a person is permitted in accordance with the provisions of this division to occupy any part of a street for building purposes, such person shall erect and maintain around the part so occupied a sufficient fence or barricade to prevent injury to persons, animals or vehicles passing the premises, and keep the same properly lighted at night. Such areas shall be properly posted. Temporary sidewalks shall be provided when requested by the City Engineer.  
(Code 1970, § 20-86)

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**Sec. 6.2-176. Unaccepted streets and new construction.**

Permits shall not be required on unaccepted streets or new construction, but the requirements of section ~~6.2-172~~ shall be in effect on any project under the jurisdiction of the Director of Public Works.  
(Code 1970, § 20-87)

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**Sec. 6.2-177. Street openings beyond the scope of this article.**

(a) It is the intent of this division to authorize the Director of Public Works to control all excavation, backfill and surface procedures within any city right-of-way. The rate may be adjusted annually by the City Council by order so long as such adjustment is made prior to the first of May. The fee schedule is based on a value that will incur no cost to the city.  
(b) The developer or person building shall be responsible for paying for any damage incurred.  
(Code 1970, § 20-88)

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**Sec. 6.2-178. Unpaved streets and roads (gravel streets).**

Street openings in unpaved streets and roads shall conform to all the sections of this division with the following exceptions:

- (1) The rate may be adjusted annually by the City Council by order, so long as the adjustment is made prior to the first of May. Such rate shall apply until further adjusted.
- (2) Under section ~~6.2-173~~, the requirement for applying cold patch shall not pertain. Gravel surface shall be brought slightly above existing roadbed and compacted.
- (3) Under section ~~6.2-171~~, it will not be necessary to cut the road surface before excavation.  
(Code 1970, § 20-89)

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**Sec. 6.2-179. Winter openings.**

No permits will be issued between December first and March fifteenth except on an emergency basis, to be determined by the City Manager or City Council.  
(Code 1970, § 20-90)

**Sec. 6.2-180. Penalties.**

Any person responsible for noncompliance with the provisions of this division shall be liable to the city for all fees and expenses of repairs, and in addition shall be subject to the penalty provisions of section 1-10.  
(Code 1970, § 20-91)

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**Sec. 6.2-181. Underground installation of utilities.**

Any underground installation within ten (10) years of building and paving a street shall be outside of the paved area whenever feasible. Where pavement cuts are made the requirements of sections ~~6.2-177~~ through ~~6.2-180~~ shall be met unless it is determined by the Director of Public Works and the City Engineer that openings are so extensive as to require rebuilding of portions of the street or the entire street, in which cases the entire rebuilding may be requested of the responsible party and a sharing of the costs negotiated.

(Code 1970, § 20-92)

Secs. 6-307--6-310. Reserved.

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**DIVISION 4. SEWERS, DRAINS AND DRAINAGE\***

**\*State law references:** Construction of ditches and drains on state and state aid highways, 23 M.R.S.A. § 651 et seq.; municipal authority to construct ditches, drains and culverts, 23 M.R.S.A. § 3251.

**Sec. 6.2-182. Surface water, responsibility of the Public Works Director.**

(a) Surface water shall be the responsibility of the Public Works Director until it enters a catch basin or other portion of the drainage system under the responsibility of the Greater Augusta Utility District at which point it becomes the responsibility of the district, or until it enters a stream or river under state or federal jurisdiction.

(b) All culverts, ditches, sluiceways, other structures or natural drainage surface or groundwater, in/or crossing public rights-of-way shall be the responsibility of the Public Works Director, except those catch basins or pipes which are connected to the storm sewer or combined sewer systems or have been accepted by the Greater Augusta Utility District, which shall be the responsibility of the Greater Augusta Utility District.

(c) Retention structures may be built for or by the City of Greater Augusta Utility District and shall be the responsibility of the Public Works Director if located on city rights-of-way, land or easements and not connected to the storm or combined sewer systems or accepted by the Greater Augusta Utility District. If connected to the latter, they shall be the responsibility of the Greater Augusta Utility District. Natural drainage easements may be acquired by the city, and shall be the responsibility of the Public Works Director. Easements exceeding four hundred (400) feet in length shall be approved by the Planning Board before acquisition and shall be in accord with any Greenway--Natural Drainage Protection Plan adopted by the Planning Board and with the shoreland protection ordinance. If downstream reworking or rebuilding is necessitated by a new

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street or development, the developer of the land shall participate in such cost at a rate to be determined by the City Engineer and General Manager of the Greater Augusta Utility District.  
(Code 1970, § 20-63)

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**Sec. 6.2-183. Installation outside Greater Augusta Utility District to be in accordance with Engineer's specifications.**

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All storm sewers, drains and drainage installed in the city outside of the Greater Augusta Utility District jurisdiction shall be built in accordance with the specifications of the City Engineer and they shall be the responsibility of the Public Works Director.  
(Code 1970, § 20-64)

**Sec. 6.2-184. Obstructing ditches; culverts required; Engineer's approval.**

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No person shall place any obstruction in any ditch or watercourse by the side of any street of 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 Engineer, and the cost of same shall be borne by the owner.  
(Code 1970, § 20-65)

**Sec. 6.2-185. Drainage, seepage on streets and sidewalks prohibited.**

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- (a) No person shall let out or empty upon the surface of any street or sidewalk, any cellar, sink or other drains, nor shall any person allow seepage upon any such street or sidewalk from septic tank filter beds or cesspools.
- (b) It shall be the responsibility of the various utilities to maintain location records of the dormant house services. The city shall notify utilities prior to issuing demolition permits.  
(Code 1970, § 20-66)

**Sec. 6.2-186. Roof and pavement drainage.**

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- (a) For residential properties not exceeding four (4) dwelling units, roof and pavement drainage may enter natural drainage, manmade drainage or stormwater systems. Natural drainage systems shall be used whenever possible.
- (b) Stormwater run-off from multifamily, commercial, governmental, institutional and industrial property shall be piped into the stormwater system where available and as approved by the City Engineer. In areas beyond the current limits of the storm drainage system, the developer shall provide adequate drainage to the nearest natural watercourse subject to the approval of the City Engineer.
- (c) In areas where there is no storm drain system or natural watercourse, persons converting existing residential buildings to commercial or office use shall be permitted to develop parking lots up to three thousand six hundred (3,600) square feet in size or for up to twelve (12) spaces, whichever is less. The runoff from such lots shall be controlled. The following conditions shall be applicable:
- (1) Parking lots shall not be paved until such time as a storm drain system is available.
  - (2) Runoff shall be directed to a landscaped buffer strip to attenuate drainage impact.
  - (3) All parking lots constructed under this subsection (c) and after July 17, 1989 shall be required to collect storm drainage on-site and pipe it to a storm drain system when it becomes available.
- (Code 1970, § 20-67; Ord. No. 146, 7-17-89)

## DIVISION 5. SNOW REMOVAL

### **Sec. 6.2-187, Authority to close streets.**

The City Manager or the Director of Public Works may at any time close a street to the passage of motor vehicles for the purpose of snow removal.  
(Code 1970, § 20-126)

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### **Sec. 6.2-188, Sidewalks cleared on certain streets.**

Owners and occupants of property abutting on the following streets or portions thereof shall keep clear of ice and snow the abutting public sidewalks:

- (1) Bridge Street from the Kennebec Bridge to Commercial Street;
- (2) Commercial Street, east side, entire length;
- (3) Oak Street from Water Street to Commercial Street;
- (4) Water Street, both sides, entire length;
- (5) Winthrop Street from Water Street to Commercial Street.

(Code 1970, § 20-127)

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### **Sec. 6.2-189, Snow fenders on certain buildings.**

The owners of all buildings upon Water Street, Commercial Street and Market Square are hereby required to place snow fenders upon the roofs thereof next to the street, in such manner as shall effectually protect persons and property from injury from snow and ice sliding from such roofs.  
(Code 1970, § 20-128)

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### **Sec. 6.2-190, Depositing snow or ice on streets, sidewalks.**

(a) No person shall shovel, place or deposit snow or ice on or upon any street in the city except those listed in section 6-322. Any person who deposits or employs or contracts with another to deposit snow or ice in violation of this section shall be subject to the penalty provisions of section 1-10.

(b) No person shall shovel, place or deposit snow or ice on or upon any sidewalk or portion thereof, including any entrance thereto, either before or after the sidewalk or portion has been cleared of snow during routine snow removal operations conducted by the Department of Public Works. The owners of property abutting any such sidewalk shall remove or cause to be removed within twenty-four (24) hours any snow or ice that is placed on a sidewalk entrance as a result of the plowing or shoveling of any driveway.

(c) Any person who deposits or employs or contracts with another to deposit snow or ice in violation of this section or who fails to remove snow or ice as required by this section shall be subject to the penalty provisions of section 1-10.

(Code 1970, § 20-129)

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### **Sec. 6.2-191, Deposits near fire alarm boxes, hydrants.**

No person shall place or deposit any snow, ice or other obstruction within six (6) feet of any fire alarm box or hydrant.  
(Code 1970, § 20-130)

**Cross references:** Fire prevention and protection, § 16-51 et seq.  
Secs. 6-326--6-340. Reserved.

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## ARTICLE III. SOLID WASTE\*

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\***Editor's note:** Ord. No. 660, adopted Dec. 16, 1996 repealed and replaced Art. V, §§ 6-341--6-364 and 6-381--6-398, pertaining to solid waste, with new provisions, designated herein as §§ 6-341--6-378. Due to the extensive derivation of former Art. V, the user is directed to the code comparative table at the back of this Code for amendatory history. Renumbered November 2011 to 6.2-192--6.2-229.

**Cross references:** Licensing of commercial solid waste and/or septage waste facilities, § 11-71 et seq.

### DIVISION 1. GENERALLY

#### Sec. 6.2-192. Purpose.

The purpose of this article is to promote the public health, safety and general welfare of residents and businesses in the city.  
(Ord. No. 660, 12-16-96)

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#### Sec. 6.2-193. Authority.

This article has been prepared in accordance with Title 1, Title 30-A and Title 38 of Maine Revised Statutes Annotated.  
(Ord. No. 660, 12-16-96)

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#### Sec. 6.2-194. Applicability.

- (a) This article applies to all properties in Augusta; sets standards for storage, collection and disposal of solid waste and rubbish/recyclables generated in the city; and outlines operating standards for public (municipal) and private collection and disposal operations.
- (b) In accordance with the provisions of Title 38 M.R.S.A., Section 1304-B, the city hereby designates the Hatch Hill Solid Waste Facility as its waste facility as defined in Title 38 M.R.S.A., Section 1303-C(40) for the disposal of solid waste as defined in Title 38 M.R.S.A., Section 1303-C(29). The disposal of any solid waste generated within the city by any person, corporation or other legal entity at any place other than at this designated waste facility is prohibited. However, the owner of any lot, or any other person with the permission of the lot owner, may dispose or dump inert substances such as earth, rocks, concrete, or similar material for fill purposes only, subject to state and local land use regulations. Materials from buildings which are being taken down, constructed or renovated shall be disposed of in accordance with the provisions of Division 5 of this article.
- (c) Rules and regulations for the safe and efficient operation of the Hatch Hill Solid Waste Facility are outlined in Division 4 of this article.
- (d) Rules regarding commercial solid waste and/or septage waste facilities are found in Chapter 11, Article III of the city Code of Ordinances, as amended.
- (e) Special wastes, as defined in Chapter 400 of the Department of Environmental Protection, Bureau of Solid Waste Management, Solid Waste Management Rules shall be stored, handled, managed and disposed of in accordance with said rules.

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(f) This article is not intended to prohibit residential composting on privately owned property so long as the compost is handled in accordance with the "composting" specification sheet available through the Public Works Department, does not create a nuisance, and does not pose a health threat.  
(Ord. No. 660, 12-16-96)

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**Sec. 6.2-195. Conflicts/severability.**

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This article shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, article, bylaw, permit, or provision of law. Where conflicts arise within this article, the stricter provision or requirement shall prevail.

Should any section or part of a section or any provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of any other section, subsection, or other portion of this article.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-196. Definitions.**

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In the interpretation and enforcement of this article, all words shall carry their customary dictionary meanings. Unless otherwise stated, for purposes of this article, certain words and terms used herein are defined in the city land use ordinance and/or as follows:

*Ash, domestic.* Domestic ash means the residue generated after the combustion of a material such as coal, wood, coke or any residue of combustion from residential use.

*Collection.* Pick-up of solid waste by the Public Works Department or by private waste haulers.

*Compost.* As used in this article, compost is the biological decomposition and stabilization of organic matter from residential properties, under controlled aerobic conditions of high temperature.

*Curbside.* The area between private property and the travelled way of a public street. In portions of the city where there are no curbs, curbside shall mean the shoulder of the road.

*Effective date:* Thirty (30) days from the date of City Council approval. Passage date: December 16, 1996; effective date: January 15, 1997.

*Garbage.* See "rubbish."

*Hazardous waste.* As defined in 38 M.R.S.A., Section 1303(5) means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A., Section 1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that hazardous waste or a part or a constituent may have value or other use may be sold or exchanged does not exclude it from this definition.

*Nonresidential.* Activities involving agriculture, forestry, fishing, finance, insurance, real estate, including but not limited to, multifamily dwellings with five (5) or more units, service, wholesale/retail trade and manufacturing activities as characterized in the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget and on file in the Public Works Department, and any and all other commercial enterprises and businesses. Waste generated from construction sites of all types shall be considered nonresidential waste.

*Permits.* Valid permanently attached Hatch Hill sticker or valid city residential three-trip pass.

*Recyclables.* Those items collected by the city as outlined in section 6-353.

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*Residential.* Single and multifamily dwellings (up to four (4) units) including home occupations operating in accordance with the city land use ordinance, boarding homes, land-leased communities and group homes. For purposes of this article, "residential" does not include nursing homes or rooming houses of more than three (3) rooms which are considered nonresidential under the category of "services".

*Rubbish.* Collectable residential and nonresidential solid waste. Rubbish does not include wood waste, scrap metal, white goods, tires, special wastes, domestic ash and processing waste.

*Solid waste.* As defined in 38 M.R.S.A., Section 1303(10) means useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but shall not include septic tank sludge or agricultural wastes. The fact that a solid waste, or a part or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from the definition of "solid waste." The term includes any residue or material which exists in excess to the owner at the time of such discard or rejection.

*Special collections.* Special collections include domestic ash collection, clean-up weeks, and others that may be scheduled by the City Manager in accordance with section 6-349 and section 6-353.

*Special drop-offs.* Special drop-offs include, but are not limited to, Christmas trees and leaf drop-offs.

*Special waste.* As defined in 38 M.R.S.A., Section 1363 (10-B), means any nonhazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures.

*Storage.* The temporary placement of solid waste, rubbish or recyclables. (Ord. No. 660, 12-16-96; Ord. No. 34, 3-19-01; Ord. No. 120, 6-18-07)

## **DIVISION 2. STORAGE**

### **Sec. 6.2-197. Storage at nonresidential properties.**

Any person owning, operating or supervising any nonresidential activity where waste matter or other rubbish accumulates shall not permit the deposit or accumulation of such waste matter or other rubbish in or upon the building or premises controlled by him or her, except in suitable watertight, covered containers, including dumpsters, during the interval between collections.

(Ord. No. 660, 12-16-96)

Deleted: -346

### **Sec. 6.2-198. Storage at residential properties; suitable containers required.**

(a) It shall be the duty of the owner of every residential building to provide suitable and sufficient watertight covered containers, including dumpsters, to receive the accumulation of solid waste and rubbish/recyclables on the premises during the interval between collections.

(b) The occupants of all residential buildings shall place or cause to be placed all rubbish/recyclables and solid waste in the watertight containers, including dumpsters, and shall not permit any accumulation or deposit of such substances in or about the premises except in such containers.

Deleted: -347

(c) Recyclables shall be stored in a manner that maintains their integrity as a recyclable material (i.e. newspapers must be kept dry).  
(Ord. No. 660, 12-16-96)

### DIVISION 3. COLLECTION

#### Subdivision I. Public (Municipal) Collection

##### **Sec. 6.2-199. Public rubbish/recyclable collection.**

Deleted: -348

Public rubbish/recyclable collection shall be provided to all residential and nonresidential properties receiving pick-up services as of December 16, 1996; however, as of January 15, 1997, public rubbish/recyclable collection shall not be provided to: Conversions or expansions of existing properties to five (5) or more living units; and/or New nonresidential properties including conversions of residential properties to nonresidential; and/or

Existing nonresidential properties receiving rubbish/recycling collection as of December 16, 1996 when such nonresidential properties change ownership.

Properties located on private roads which are not receiving any public works services as of January 15, 1997, except for residential public rubbish/recyclable collection on private roads which the city has accepted a public easement and with consent of the private road association.

(Ord. No. 660, 12-16-96; Ord. No. 34, 3-19-01; Ord. No. 120, 6-18-07)

##### **Sec. 6.2-200. Scheduling of collections.**

Deleted: -349

The scheduling of rubbish/recyclable collection or special collections shall be established by the City Manager. The City Manager shall also, from time to time, schedule special drop-offs.

(Ord. No. 660, 12-16-96)

##### **Sec. 6.2-201. Supervision of collections.**

Deleted: -350

The Director of Public Works shall be responsible for the municipal collections of rubbish/recyclables and other solid waste within the city.

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(Ord. No. 660, 12-16-96)

##### **Sec. 6.2-202. Preparation for collection.**

Deleted: -351

(a) *General.* Only rubbish which is generated in Augusta shall be placed curbside for pick-up.

Municipal employees are hereby prohibited from entering upon private property for the purpose of rubbish/recyclables and solid waste collection.

(b) *Container specifications.* Rubbish shall be placed in solid, whole plastic bags of adequate strength that are tied or sealed securely with a minimum of four (4) cubic feet capacity. Plastic bags may be placed in metal cans or rigid plastic containers with covers, with a minimum height of twenty (20) inches and a maximum height of thirty (30) inches and a maximum of twenty (20) inches in diameter.

Bags or containers shall not exceed a gross weight of one hundred (100) pounds.

The city shall not be responsible for the loss of or damage to metal or plastic containers.

(Ord. No. 660, 12-16-96)

**State law references:** Litter control, 17 M.R.S.A. § 2261 et seq.

**Sec. 6.2-203. Location of containers; time for setting out; responsibility for clean-up.**

Deleted: -352

(a) Rubbish/recyclable containers and solid waste for special collections shall be placed next to the curb on city property immediately adjacent to the property owned, rented or leased by the person or persons placing the containers. It shall be unlawful to place containers of rubbish/recyclables and solid waste on property of another without the consent of the property owner or on city property other than as provided for in this section. During the winter months containers will be placed as near to driveways or walkway openings as possible.

(b) Rubbish/recyclable containers and solid waste for special collections shall not be set out for collection prior to 4:00 p.m. the day before the scheduled pick-up. Containers must be at the curb prior to 7:00 a.m. on the scheduled pick-up day and shall be removed from the curbside no later than 9:00 p.m. following collection.

(c) Clean-up of rubbish/recyclables which are not contained at time of pick-up shall be the responsibility of the property owner or tenant.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-204. Special collections/drop-offs.**

Deleted: -353

(a) Cardboard boxes broken down and securely tied in bundles not exceeding fifteen (15) cartons or weight in excess of one hundred (100) pounds will be accepted for rubbish pick-up.

(b) The city offers a voluntary recycling program. Augusta residents who wish to participate in the voluntary program shall separate and prepare recyclables in accordance with the "materials preparation" specification sheet as adopted by the City Council and made available through the Public Works Bureau. The "materials preparation" specification sheet shall be revised as necessary.

(c) Cold domestic ash pick-up will be made in accordance with a schedule set by the City Manager. Ashes must be placed at the curb or roadside in plastic or metal containers not larger than twenty-two (22) gallons in size. Total weight of the container, including contents, must not exceed one hundred (100) pounds.

(d) In the spring of each year, the City Manager may designate special clean-up weeks for accumulations of household, property debris, and other debris as specified in the "clean-up" specification sheet at City Center and Public Works Bureau. Such collection shall provide for pick-up of items not acceptable for regular weekly collections. Each clean-up week shall be on a fee system established annually by the City Manager.

(e) The city may offer special drop-off programs including, but not limited, to leaves, Christmas trees and curbside recyclables. Drop-off points and times shall be designated in accordance with section 6-349.

(Ord. No. 660, 12-16-96)

**Subdivision II. Private (Non-Municipal) Collection**

**Sec. 6.2-205. Occupants to cover containers set out for collection.**

Deleted: -354

The occupants of every property not using public collection services shall place the containers required by section 6-347 in a place convenient for removal of the contents by private waste haulers to collect the same and shall keep such containers covered.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-206. Private waste haulers shall comply.**

Deleted: -355

Private waste haulers shall conduct their operations in a safe, sanitary and healthful manner without obstructing public access. Private waste haulers shall comply with the applicable state solid waste management rules/regulations.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-207. Transportation of rubbish/recyclables and solid waste.**

Deleted: -356

Cover required for vehicles transporting rubbish/recyclables and solid waste. No person shall transport by open vehicle for a distance of more than five hundred (500) feet, without collection stops, rubbish/recyclables or solid waste by way of any street without covering such vehicle body with tarpaulin, metal, wood, wire or other material, so that the contents of such vehicle cannot be dislodged onto public or private property. (This provision also applies to Division 3, Subdivision 1, Public (Municipal) Collection.)

This section shall not be applicable to vehicles carrying rubbish/recyclables and solid waste containers that are secured in such vehicle.  
(Ord. No. 660, 12-16-96)

**Cross references:** Traffic and motor vehicles, Ch. 18.

**DIVISION 4. DISPOSAL AREA**

**Sec. 6.2-208. Use of Hatch Hill Facility.**

Deleted: -357

The Hatch Hill Solid Waste Disposal Facility, hereafter referred to as the Hatch Hill Facility, is a regional disposal facility which provides services to Augusta and contracting communities, as well as state, federal, and county agencies.

It shall be unlawful to use the Hatch Hill Facility without a lawful permit issued by the city. This permit will be issued as provided in a contractual agreement between the contracting municipality and the city or as provided in the arrangement between the city and state, county, or federal government within the service area.

The General Rules for Use of the Hatch Hill Disposal Facility, hereafter referred to as the "general rules," will be posted at the scale house and may be periodically changed as conditions warrant such change.

All solid waste shall be placed at the Hatch Hill Facility as directed by the Bureau of Solid Waste and the general rules.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-209. Location; hours.**

Deleted: -358

The Hatch Hill Facility, located on the Hatch Hill Road, shall be open from 8:00 a.m. to 4:00 p.m. daily, Tuesday through Saturday, inclusive. The Hatch Hill Facility will be closed on all legal holidays as determined by the holidays taken by the Bureau of Solid Waste. Special hours may be set with prior approval by the Bureau of Solid Waste.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-210. Material collected outside city limits.**

Deleted: -359

Solid waste collected outside of Augusta or the service area of the contracting community shall not be deposited at the Hatch Hill Facility.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-211. Unauthorized removal of materials.**

Deleted: -360

It shall be unlawful to remove any contents (dump picking) of the Hatch Hill Facility without prior permission of the Bureau of Solid Waste.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-212. Burning solid waste.**

Deleted: -361

No person shall set fire to any solid waste at the Hatch Hill Facility.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-213. Bulky waste disposal.**

Deleted: -362

White goods, scrap wood, tires, and other bulky objects may be disposed of at the Hatch Hill Facility in a special section maintained for this purpose as per the general rules.  
(Ord. No. 660, 12-16-96)

**Sec. 6.2-214. Permits required to enter the Hatch Hill Facility; terms; temporary permits; fees.**

Deleted: -363

(a) Entry into the Hatch Hill Facility is restricted to vehicles or operators of vehicles that display a legal permit. Permits will be issued to taxpayers, residents, temporary residents, private haulers with pre-approved collection routes, and any contracting community or agency. Permits issued during the first eight (8) months of the calendar year will expire on December 31 of the following year. Permits issued during the last four (4) months of the calendar year will expire on December 31 of the second following year. Permits shall be issued by the City Treasurer's Office or at the Hatch Hill scale house. Temporary permits may be issued to individuals engaged in short-term projects within the city or contracting communities as approved by the Director of Solid Waste for a period of one (1) to thirty (30) days for the current fee.

(b) Private haulers whose place of business is outside of the service area and are working within the service area shall provide an established collection route prior to being issued a permit.

(c) Permit fees shall be set from time to time and a schedule of such fees is on file in the City Clerk's Office.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-215. Disposal fees.**

Deleted: -364

(a) No vehicle shall enter the Hatch Hill Facility without first displaying a valid, permanently attached permit to the gate attendant. Fees will be collected at the scale house and a proper receipt will be issued.

(b) Disposal fees shall be set from time to time and a schedule of such fees is on file in the City Clerk's office.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-216. Review of costs, fees, operating procedures.**

Deleted: -365

The City Manager will periodically submit the Hatch Hill Facility operating procedures and fees to the City Council. Operating procedures and fees will be changed by the City Manager as necessary for the complete and proper operation of the facility.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-217. Contracts for use by other municipalities, collectors, etc.**

Deleted: -366

The City Council may enter into contracts with other municipalities or agencies for the use of the Hatch Hill Facility under such terms and conditions as the City Council may deem appropriate.  
(Ord. No. 660, 12-16-96)

## DIVISION 5. MISCELLANEOUS

### Sec. 6.2-218. Disposal of material from the demolition, renovation, construction of buildings or additions.

Deleted: -367

(a) Material from buildings which are being taken down, constructed or renovated shall be disposed of at the city's solid waste disposal facility except as provided in this section. Prior to delivery to the facility, materials shall be separated so that wood materials and metal materials are not mixed in with other debris such as roofing, insulation, plaster, sheetrock, plastics, concrete, mortar, cured concrete, bricks and other items. Materials shall be disposed of at the city's solid waste facility in accordance with the Hatch Hill Facility General Rules for the Disposal of Solid Waste unless the owner or the agent of the owner has received written approval from the Department of Public Works to dispose of the material in another location. Such approval must state the exact location and how the material will be disposed of. All work shall be in conformance with Department of Public Works administrative rules and performance standards. The purpose of these rules and standards shall be to protect abutting property, the environment, and to control dust, noise and nuisances associated with the handling of all demolition debris. These shall be available at the Office of the Director of Public Works.

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(b) Upon written approval of the Department of Public Works, material that can be classified as inert fill, which is defined as clean soil material, rocks, bricks and cured concrete, that is not mixed with other solid or liquid waste and that is not derived from an ore mining activity may be disposed of at a fill site. The area where the material is to be disposed of must be an approved fill site and shall comply with all applicable state and local rules and regulations and any special conditions which may be established for that site.

(Ord. No. 660, 12-16-96)

### Sec. 6.2-219. Storage or disposal of radioactive waste prohibited.

Deleted: -368

The permanent storage or disposal of either or both high level and low level radioactive waste as defined in 38 M.R.S.A., Section 1451, within the boundaries of the city is prohibited.

(Ord. No. 660, 12-16-96)

## DIVISION 6. VIOLATION AND ENFORCEMENT

### Sec. 6.2-220. Deposits or accumulations in violation.

Deleted: -369

Deposits or accumulations of rubbish/recyclables and solid waste shall not be permitted anywhere in the city except as provided in this article. Any such deposit or accumulation made or permitted contrary to this article is hereby declared to be illegal and shall be punishable in accordance with section 1-10 of the City Code of Ordinances.  
(Ord. No. 660, 12-16-96)

### Sec. 6.2-221. Unlawful deposits or accumulations; prosecution of violators.

Deleted: -370

(a) It shall be the duty of the Police Chief to cause the abatement and/or removal of every fill, deposit or accumulation of substances upon private premises which are in violation of the provisions of this article and to prosecute all violators.

(b) Except as provided for in section 6-343(f), any person upon whose premises there is found any unsanitary or unsafe accumulation of solid wastes shall within twenty-four (24) hours after written notification by the Code Enforcement Director, cause the same to be removed to the Hatch Hill Solid Waste Facility.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-222. Waste burning.**

No person shall set fire to any solid waste. Burning of clean wood waste or the burning of condemned or abandoned buildings (for purposes of fire training) may be allowed, with permission of the Fire Department.

(Ord. No. 660, 12-16-96)

Deleted: -371

**Sec. 6.2-223. Removal, destruction, misuse of city recycling containers.**

No person shall willfully remove, destroy, mutilate or use for another purpose other than the holding of recyclables, the containers which have been provided in accordance with this article.

(Ord. No. 660, 12-16-96)

Deleted: -372

**Sec. 6.2-224. Contents of containers placed at curbside for collection become property of city.**

The contents of any and all containers or special items, placed at curbside for collection and disposal by the city, shall become the exclusive property of the city at the time the container is placed at the curbside for collection. The removal of any such container or any of the contents thereof by any individual other than the owner of the container or contents shall constitute a misdemeanor punishable by a fine in accordance with section 1-10.

(Ord. No. 660, 12-16-96)

Deleted: -373

**Sec. 6.2-225. Noncomplying containers; notice to abate; penalty.**

Any person placing for collection any solid waste or rubbish/recyclables in containers not in compliance with the provisions of this article shall receive a written notice of warning from the Public Works Bureau or the Police Department. Further violation after such written warning shall be punishable in accordance with City Code of Ordinances, Chapter 1, Section 1-10.

(Ord. No. 660, 12-16-96)

Deleted: -374

**Sec. 6.2-226. General.**

Noncompliance with any provision of this article by any individual or business corporation shall be punishable by a fine in accordance with section 1-10.

(Ord. No. 660, 12-16-96)

Deleted: -375

**Sec. 6.2-227. Trespassing during closed hours; posting of signs.**

(a) The presence of any individual beyond the entrance gate of the Hatch Hill Facility at any time other than during the hours that the area is posted as being open or during the hours set by prior special arrangement shall constitute criminal trespass and any individual found guilty of that offense shall be subject to a fine in accordance with section 1-10. The Director of Solid Waste is hereby authorized and directed to maintain a sign of

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suitable size at the entrance gate to the facility bearing the words "No Trespassing" and bearing thereunder the substance of the first sentence of this subsection.

(b) The entire Hatch Hill Facility boundaries shall be posted "No Hunting, No Fishing, No Trespassing."

(Ord. No. 660, 12-16-96)

**Sec. 6.2-228, Illegal use or display of permit.**

Deleted: -377

(a) A permit will be issued in the form of a sticker and is to be used only with the vehicle to which it is permitted. A copy of the permit application form shall act as the permit for temporary permit holders. The transfer of a permit to an unauthorized vehicle or allowing the use of a permit by an unauthorized vehicle shall result in the immediate revocation of the permit and shall constitute a misdemeanor chargeable against the person making the transfer or allowing the unauthorized use. Such misdemeanor shall be punishable by a fine in accordance with section 1-10.

(b) The unauthorized use or display of a permit also shall constitute a misdemeanor chargeable against the person displaying or attempting to use the permit and shall be punishable by a fine in accordance with section 1-10.

(Ord. No. 660, 12-16-96)

**Sec. 6.2-229, Improper entry and failure to pay fee.**

Deleted: -378

(a) Entering or attempting to enter the Hatch Hill Facility without displaying a valid permit to the attendant on duty, or dumping or attempting to dump refuse of any kind at the facility without displaying a valid permit to the attendant on duty and paying the required fee, or dumping refuse in an area not designated for that refuse shall be a misdemeanor and shall be punishable by a fine in accordance with section 1-10.

(b) Whenever any individual fails to display a permit or pay the required fee as required by subsection (a) of this section, the registration of a vehicle in the name of an individual or business corporation shall be prima facie evidence that the individual or business corporation to whom the vehicle is registered has entered the disposal facility and has disposed of refuse in violation of subsection (a) of this section.

(Ord. No. 660, 12-16-96)

# PROPOSED REORGANIZATION

Public Works & Development Services  
November 2010

